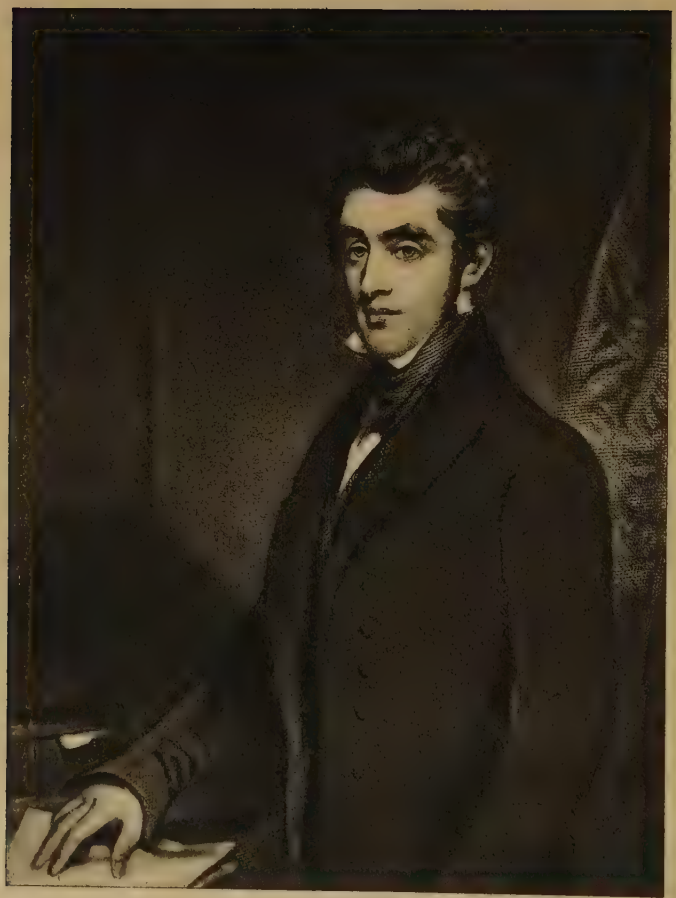
Parkman Edition

# THE MAKERS OF CANADA

VOL. XV

# LORD SYDENHAM



Richd M Thomas

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*THE MAKERS OF CANADA*

# LORD SYDENHAM

BY

ADAM SHORTT

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## PREFACE

THE present volume, with the exception of the portion dealing with the earlier years of Lord Sydenham's life, is based entirely upon first-hand materials, many of which are still in manuscript in the Canadian Archives. The facts for the earlier portion of Lord Sydenham's career have been taken mainly from the memoir of his life, drawn from family papers compiled by his brother G. Poulett Scrope, and published in 1843. The same volume contains a narrative of Lord Sydenham's administration in Canada, prepared by his civil secretary, Mr. W. T. C. Murdoch, and includes several important private letters to members of his family and to other friends, particularly Lord John Russell. From contemporary newspapers and other periodicals and pamphlets, British and Canadian, has been derived much important information, as also from the British and Canadian blue books of the period. The most important sources, however, as revealing the inner policy of the colonial office and of the Canadian governor, are found in the private and confidential despatches between the colonial secretary, Lord John Russell, and Lord Sydenham, as also in the correspondence with various parties in Canada contained in the letter-books of the Governor and the civil secretary. The manuscript volumes containing these papers have been lately

transferred from the office of the governor-general to the Canadian Archives, and are now included in the G Series of the Archives collections.

Owing to the nature of the series in which this volume appears, special references to authorities are not given in foot-notes, but, wherever possible, the most important statements are given in the words of the original documents.

In treating the life of Lord Sydenham as one of the "Makers of Canada" only those events have been dealt with which had a more or less direct bearing upon his training for the important duties which awaited him in Canada, or which were connected with his many-sided activities as governor-general of British North America.

*Ottawa, October 19th, 1908.*

A. S.

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# CHAPTER I

## EARLY YEARS AND FOREIGN TRAVEL

THE place of Lord Sydenham as one of the makers of Canada is somewhat unique. That a stranger to Canada, occupying the position of governor-general for less than two years, should have exercised so decisive an influence on the political destinies of the country, implied the conjunction of notable personal qualities and an important national crisis. It implied, on the one hand, a very critical condition of the vital interests of the country, the balancing of great forces in a condition of unstable equilibrium susceptible of being committed to any of several different futures. On the other hand, it implied certain striking qualities of personality, which fitted the governor to handle firmly, yet discreetly, difficult and complex situations, in such a manner as to bring confidence out of uncertainty, and commit to a definite and logical development a conflicting mass of dangerous and fateful forces. Looked at from the point of view of its significance for Canada, Lord Sydenham's life, before his appointment as governor-general, is interesting chiefly as showing what were the original qualities of his personality, and what activities and influences shaped their development and prepared

him to deal with the critical situation which he had to face, not only in Canada, but in other British provinces of North America.

In comparing the details of his life with those of previous Canadian governors, we recognize that though his predecessors numbered among them several very able and conscientious men, yet in no case did their social surroundings and practical experience before assuming their duties in Canada prepare them to take a really intelligent and sympathetic view of the political, economic, and social conditions with which they were to deal. As a rule, they failed to estimate at all correctly the actual needs of the colony, or the probable future which was in store for it. In these respects Lord Sydenham's previous training and experience gave him a great advantage over his predecessors. Not only his personal inclinations, but his business and political associations had prepared him to be much more intelligently responsive to Canadian conditions than the majority of that class of Englishmen from which colonial governors were commonly chosen.

The fact that he was the spontaneous choice of the city of Manchester as its representative in the House of Commons signified much, for Manchester was the most typical of those enlightened and enterprising centres of English industry which gave to Britain her unique supremacy during the nineteenth century. It was the special centre also of

those liberal and progressive ideals looked upon at the time as almost revolutionary in their radical optimism, but now regarded as the commonplaces of daily practice. Lord Sydenham, as we shall see, was in thorough sympathy with these new and enlightened ideals, and yet, as a man of wide experience of the world and its movements, he was not so radical in details as some of his friends and supporters, nor so impatient with existing conditions as to demand that the necessary reforms should be put in practice immediately and completely. He recognized that that was most likely to endure which was accomplished gradually, and which carried with it the support and confidence of the intelligent body of the people.

As a statesman and cabinet minister, Lord Sydenham frankly professed his allegiance to the new standards of liberty and responsibility, even when it involved public disagreement with some of his ministerial colleagues. Some of these colleagues were to live to see his aspirations carried into practice by those who were at that time political opponents. In the light of the influence which Lord Sydenham was to exercise on the future of Canadian political development, these features of his life and character are of much interest and importance. We shall consider, therefore, more particularly those circumstances and incidents of his earlier career which prepared him for his work in Canada. It will be necessary also to trace, in outline at least, the

conditions which led up to the crisis in Canadian affairs which furnished at once the need and the opportunity for a man of Lord Sydenham's qualities. Having furnished a sketch of the man and of his problem, we may then follow with some detail his conduct of Canadian affairs.

One of those large and permanent mercantile establishments characteristic of the stability and integrity of British trade, and partaking in the permanence of its connections and the respectability of its traditions something of the character of the aristocratic institutions of the country, was the firm of J. Thomson, T. Bonar & Co. of London. For upwards of a century this house had been engaged in the Russian-Baltic trade, one of the oldest of the British mercantile connections, and had its regular establishment in St. Petersburg as well as in London.

The heads of such important trading-houses were pretty certain to be connected sooner or later with the British aristocracy, which in no small measure has been indebted to these alliances for the maintenance of its wealth and its physical and mental vigour. John Thomson, father of the future Canadian governor, added to his name, in 1820, that of Poulett in memory of his mother, the heiress of one branch of the ancient family of Poulett in Somersetshire. He married in 1781 the daughter of Dr. Jacob of Salisbury. Charles Edward Poulett Thomson, afterwards Lord Sydenham, was born at

Waverley Abbey in Surrey on September 13th, 1799. He was the youngest of nine children. His mother being in poor health at the time of his birth, he entered upon life with a somewhat impaired constitution, which greatly hampered him in later years, and contributed to his early death.

Even as a child he was noted for his natural gifts of grace and beauty, which afterwards assisted in no small degree in winning the favour and support of those who are essential to majorities, but are more susceptible to manners than to methods. His earlier education was obtained chiefly through private schools and tutors, and in the fateful year of Waterloo, at the early age of sixteen, he entered upon the practical education of life in the St. Petersburg office of his father's firm. There he remained for upwards of two years, enjoying the freedom and educative influence of what was at that time one of the most interesting social centres in Europe.

His connections gave him the entrée to the most distinguished society of St. Petersburg, and his personal qualities gained for him the special intimacy of such interesting and highly cultured members of the Russian nobility as Count Woronzoff, Russian ambassador to England during the period of the French Revolution, Count and Countess Sabloukoff, special friends of his family, and the Princess Galitzin. All of these were highly cultured people, thoroughly versed in European politics and

diplomacy, and patrons of art and letters. In such society, at his impressionable age, young Thomson's natural charm of manner was specially cultivated. Nor was his general education neglected, for he maintained an intimate correspondence with his former tutors, and received from them valuable counsel as to his studies. Owing to illness he returned to Britain in the autumn of 1817, and immediately afterwards accompanied his mother and two youngest sisters to Nice, where the winter was spent. The following summer was devoted to European travel, and the next winter was passed at Naples. Another tour through the south and west of France occupied much of the following summer. Having availed himself of the varied educational advantages to be derived from travel, and his health being fully restored, young Thomson once more returned to mercantile pursuits in the London house.

The interesting experiences, however, of his life in St. Petersburg, and the social and other advantages which he had enjoyed in foreign travel, rendered it difficult for one of his eager temperament to settle down immediately to the routine of mercantile life. His tastes and experience inclined him strongly towards a career in diplomacy. His extensive acquaintance with European languages, particularly Russian, French, German, and Italian, his refined manners and courtly address, and his intimate associations with several important per-

sonages in the diplomatic service, rendered his choice a very natural one, and gave reasonable promise of success. But, amid the many claims for such positions at that time, his influence was not sufficient to procure him a suitable appointment, and his failure did much to reconcile him to a life of business to which he now seriously devoted himself. Having acquired a thorough familiarity with the details of the business in London, he returned, in 1821, to the office of the firm in St. Petersburg, with a share in the management and profits of the business. Taking the land route by way of Berlin and Riga he improved his practical knowledge of the business and resources of the districts and cities through which he passed. In St. Petersburg he resumed his acquaintance with its literary and diplomatic circles, making full use of his opportunities for extending the range of his knowledge and culture.

Still eager for travel and observation, he spent the winter and spring of 1822-3 in a journey to Moscow and central Russia, including Kiev and Orel. In the course of this journey he enjoyed the hospitality of several of the Russian nobility in their country houses. On the 1st of August, 1823, he undertook another journey through the southern and eastern provinces of Russia. Among other places he visited the famous fair of Nishni Novgorod, an exchange centre for the overland trade of Europe and Asia, and the last survivor of the

great European fairs which at one time controlled the trade of the continent. Embarking on the Volga at Nishni Novgorod, he followed the whole course of that great Russian waterway, stopping from time to time to visit Tartar tribes and Catholic and Protestant colonies upon its banks. After a short stay at the historic city of Astrakhan at the mouth of the Volga, he retraced his route as far as Tzaritzin, crossed to the Don, and descended that river to Tcherkask, reaching the Sea of Azov at Taganrog. From there he visited the Caucasus, and returning by the Crimea arrived at the seaport of Odessa about the middle of November. Thence he took the great highway through southern Russia to Poland, via Brody and Cracow, and on to Vienna, amid whose brilliant society he spent the remainder of the winter of 1823-4.

The journals kept by this ardent young traveller indicate the intelligent thoroughness with which he studied the social and economic conditions of the countries through which he passed, steadily adding to those funds of knowledge and experience which he afterwards put to such effective use as president of the Board of Trade in the British cabinet. Leaving Vienna at the end of April he reached Paris only in time to attend the bedside of his dying mother. Returning to London with an experience of men and affairs quite unusual for a young man of those times, he devoted himself steadily for some years to the business of his firm,

sharing the management with his elder brother and partner, Andrew.

The long depression which followed the close of the great European wars ending with Waterloo, was slowly dissolving, in the early twenties, before the thrift and industry of the people. In Britain in particular capital was being once more accumulated beyond the needs of immediate industry. In consequence, the rate of interest declined, credit was re-established, and opportunities were being sought, both within and without the country, for the employment of surplus funds. Conditions were propitious for the launching of new enterprises. Those first started were, for the most part, singularly fortunate, and these examples lent impetus to the new movement. There was little or no experience to warn against over speculation, and the natural consequences followed. The new speculative movement was flowing with a strong current when young Thomson returned from Europe and entered actively into business.

Among the most promising foreign investments were those connected with British companies formed to exploit the reputedly rich mines of Central and South America, regions just liberated from the yoke of Spain and having their independence recognized by Canning. In fact, the first great speculative fever of the nineteenth century was upon the country. The ardent and optimistic nature of young Thomson could not but respond to the

all but universal wave of speculation which swept through the land. As Tooke tells us in his *History of Prices*, "Princes, nobles, politicians, placemen, patriots, lawyers, physicians, divines, philosophers, poets, intermingled with women of all ranks and degrees (spinsters, wives, widows)—hastened to venture some portion of their property in schemes of which scarcely anything was known except the names." Fortunately for the ardent young merchant his elder brother and partner, Andrew Thomson, strongly deprecated his engaging in such speculative ventures. Hence, though he entered actively into the direction of several of the American mining companies, his losses when the crash came were not so great as they might otherwise have been. The results of the great panic towards the close of 1825 furnished a sharp but salutary lesson which added a new phase of experience by no means lost upon the future Canadian governor.

## CHAPTER II

### ENTRY UPON PUBLIC LIFE

THE more permanent developments in the reawakening of British industrial and commercial enterprises had brought to light the repressive effects of Britain's foreign trade policy. As a result, several of the younger and more progressive of British thinkers and statesmen revived and expanded the policy which had been advocated by Adam Smith and accepted by Mr. Pitt and other enlightened British statesmen. At their time, however, the French Revolution bursting upon the world had paralyzed for nearly forty years every Liberal and progressive movement in Britain. Sydney Smith has given us in his picturesque language a glimpse of the intellectual and political blight which had fallen on England during this period. "From the beginning of the century to the death of Lord Liverpool, was an awful period for those who ventured to maintain Liberal opinions; and who were too honest to sell them for the ermine of the judge, or the lawn of the prelate. A long and hopeless career in your profession, the chuckling grin of noodles, the sarcastic leer of the genuine political rogue; prebendaries, deans, bishops made over your head; reverend renegades advanced to the highest dignities of the Church for helping to rivet the

fetters of Catholic and Protestant dissenters; and no more chance of a Whig administration than of a thaw in Zembla. These were the penalties exacted for liberality of opinion at that period; and not only was there no pay, but there were many stripes."

Among the first to effect a break in this Conservative reaction was William Huskisson, who became president of the Board of Trade in 1823. He made several very strong attacks upon the classic Navigation Acts and tariff anomalies, with the result that the former were greatly relaxed and the latter much amended. But the criticisms which Huskisson made and the convincing arguments which he brought to bear upon the whole commercial policy of the country, were far more wide-reaching than the measures which he succeeded in passing. They started an active discussion throughout the country, which was steadily maintained until the present system of free trade was finally adopted as a national policy. This new and vital discussion, which did so much to revive the intellectual life of the whole country and to reanimate the decadent spirit of British politics, naturally attracted the attention of the young merchant engaged in international trade, and who had given so much attention to the practical study of economic conditions in different countries. As a result of his studies and observations, Poulett Thomson had been led of his own accord to take a broad and

liberal view of these new political issues, notwithstanding that the family traditions were quite of an opposite character. He thus found himself in perfect sympathy with the new movement led by Huskisson, and soon made the acquaintance of such exponents of the new principles as John Stuart Mill, Dr. Bowring, Jeremy Bentham, Henry Warburton, and Joseph Hume. He studied political economy with McCulloch, and frequently attended the discussions at the recently established Political Economy Club. His temperament was such that whatever he identified himself with he pursued with great zeal. He was filled also with a strong but wholesome ambition which ever spurred him on to larger ideals of self-realization. His ardour in the interest of the new Liberal movement, his wide experience and practical capacity, and the admirable training of natural gifts which eminently fitted him for public life, all suggested his peculiar fitness as an exponent of the new ideas in parliament. In the summer of 1825, through the instrumentality of Dr. Bowring, he was approached by representatives of the Liberal element in the borough of Dover with a proposition that he should become their candidate at the next election. These advances coinciding with his own inclinations, he immediately accepted the suggestion, issued an address to the electors of Dover about the middle of September, and was busily canvassing the constituency during the following winter. In this movement he

was actively supported by his new friends of the utilitarian school. Bowring industriously assisted in his canvass, and even the shy and retiring Bentham, high priest of the new school, became so enthusiastic in his cause that he removed for a time to Dover and actively canvassed for him, much to the astonishment of those who knew his normal disposition. On the other hand, his own family regarded this new departure in politics in much the same light as his excursion into mining speculation, treating it with similar remonstrances and discouragement. However, the tendency to self-reliance and self-confidence, which had been fostered by his early contact with the world, was proof against all disapproval and obstruction on the part of his relatives.

Political contests in those days of unreformed parliaments were costly affairs, and such expenses following immediately on his losses in the speculative mania were severe drains upon his business capital, and naturally very annoying to his brother Andrew who was his business partner. Moreover, his enthusiastic prosecution of his political canvass was not favourable to the steady pursuit of business and was an additional incentive to exasperation on the part of his brother, who went so far as to threaten a dissolution of partnership. His political friends, confident of success, had promised him a comparatively inexpensive contest, but once they were into the thick of it the opposition was found

to be unexpectedly vigorous. This, however, only served to reveal the characteristics of the future minister and Canadian governor. He spared neither his energies nor his purse, the latter suffering severely through the need for bringing in non-resident voters, these being the days of open voting and long-drawn polling. The election lasted ten days, and although the ardent young Liberal candidate was successful, it was at a pecuniary sacrifice of at least three thousand pounds. He took his seat in parliament on the 18th of November, 1826.

Once in the House, he soon had occasion to declare his principles. One of his earliest votes was in favour of the reduction of the duty on corn, in which, however, he and his associates were in a hopeless minority. The movement, which within the next ten years was to convert the nation, was still in the hands of a few courageous pioneers. For a time Mr. Thomson took little part in the debates of the House, devoting his time to a study of his new environment, its characteristics and susceptibilities.

For some years the ministry was in a very unsettled condition. When Thomson entered parliament Lord Liverpool was prime minister, and William Huskisson was president of the Board of Trade, having succeeded that stout advocate of the Corn Laws and the Navigation Act, F. J. Robinson, afterwards Viscount Goderich and Earl of Ripon. In 1827 Lord Liverpool resigned, and

Canning, foreign secretary since 1822, succeeded him as prime minister. This caused the resignation of the Duke of Wellington, Robert Peel, and Lord Eldon. But within four months Canning died and was succeeded by Robinson, then Lord Goderich, under whom Huskisson was appointed colonial secretary, and Charles Grant, afterwards Lord Glenelg, became president of the Board of Trade. Within another few months Lord Goderich was forced to resign, and Wellington and Peel returned to office, January, 1828, with the Duke as prime minister and Peel as home secretary, Huskisson and Grant still retaining the colonial office and Board of Trade, but later in the year they went out with Palmerston. Sir George Murray then became colonial secretary, and Charles V. Fitzgerald president of the Board of Trade.

These rapid changes, occurring within the first couple of years of Poulett Thomson's parliamentary career, presented many interesting object lessons in political combinations and adjustments, which were not lost on the young politician. That they were not inspiring, however, may be gathered from an extract from a letter to his brother in February, 1828. "Now and then it occurs to me that some ten or fifteen years hence, when I am broken in health, in constitution, and in spirits, and disappointed in both fortune and ambition,—which must happen, I am aware, for who has not been?—I shall envy your position, and regret the useless

waste of time, health, and money of the present day."

Though seldom taking part in the debates, when he did speak it was on questions with the concrete facts of which he was familiar. Thus when it was proposed to employ the weapon of retaliation by specially taxing corn imported from countries imposing high duties on British goods, he was able to show from his practical knowledge of Russian conditions how injurious such a policy would be as affecting British trade with that country.

His first important speech was delivered in May, 1827. It was in a debate on the state of the British shipping interest, and was in support of Mr. Huskisson's policy which favoured the relaxing of the Navigation Acts. The speech made a very favourable impression upon the House, and Mr. Huskisson alluded to it as follows: "The debate has afforded to the honourable member for Dover an opportunity of manifesting an extraordinary degree of acuteness and knowledge in respect to the commerce and navigation of the country, and of stating his information in a manner which must, I am sure, have made the most favourable impression on the House." In referring to the success of his speech in reply to congratulations, he made the following acute observation: "A man who tells the House *facts* with which the majority are unacquainted, is sure to be listened to, and the reputation for doing so will procure him attention upon other

points on which he, perhaps, does not deserve it."

During the same session, on the 14th of June, Mr. Poulett Thomson first brought to the attention of the House of Commons the proposal to adopt voting by ballot in parliamentary elections. At that time, however, such a proposition was regarded as utterly un-British. Another measure introduced by him and doomed to immediate defeat, though equally certain of a complete triumph at a later date, was a bill for the repeal of the Usury Laws. This he advocated with much ability in a speech which revealed his capacity to handle monetary and financial problems. In later years as governor of Canada he was specially called upon to deal with such matters.

His voice and vote steadily supported the cause of civil and religious liberty, and during the session of 1828 he supported Lord John Russell's motion for the repeal of the Test and Corporation Acts. In the following session of 1829 he scored another triumph in a speech in favour of Mr. Huskisson's policy for greater freedom of trade in the silk industry. His speech as usual was replete with new, accurate and effective information, presented in an interesting manner, and stated with great clearness and force. He was thoroughly convinced, on grounds alike of principle and practice, of the wisdom of a policy of free trade for a country like Britain, filled with native energy and potential enterprise, and capable

therefore of indefinite expansion were only the artificial trammels upon foreign and domestic trade removed. He was inclined, indeed, to go much further in his advocacy of freedom of trade than Mr. Huskisson himself, encumbered as he was with the responsibilities of office and the need for getting measures through parliament. Nevertheless, the pioneer work being done by such members as Poulett Thomson brought new and hitherto untried regions within the range of practical politics, and by educating the public mind in advance prepared them to accept, if not to demand, the next steps in progress.

At the same time he fully recognized the necessity, and therefore the wisdom, of treating the people to be educated in a conciliatory spirit. The contrast in manner between himself and some of his more doctrinaire friends is well brought out in his reply to one of them:—

"My dear—, I see Black has put your effusions into the 'Chronicle.' I like your doctrine very well, but you fall into the line of which my friends the utilitarians are but too justly accused, and which with you, as with them, will go farther to defeat the extension of your principles, than your reasoning will go to establish them. You, like them, begin every discussion by telling those who differ from you that they are d—d fools, not exactly the way to put them in an humour for cool argument. You seem besides to have formed a most erroneous

judgment of the facility with which any improvement can be carried into effect. To propose, to legislate, and to act on your law, you seem to think follow one another as glibly as cause and effect. Why, God bless you, the majority of the House of Commons, aye, 600 of the 650 senators, are opposed upon principle to any change, be it what it may; and a whole session could be readily spent by them in considering whether they had better consider."

We find, however, that such uncompromising Radicals as Cobden regarded his slower educational methods with a good deal of impatience and criticized his diluted radicalism with customary vigour.

In 1829, when still only thirty years of age, Poulett Thomson found himself suffering from severe attacks of constitutional gout, a malady which afterwards gave him much trouble. Desiring rest and change of air he resolved to spend the winter in Paris, where during numerous visits he had acquired a number of distinguished friends in political and diplomatic circles. There he found an interesting group of publicists who sympathized with his views as to the desirability of a freer international trade. Among these were M. B. Delessert, the philanthropist and naturalist who was a member of the Chamber of Deputies, noted also as having established the first industry for making sugar from beet-roots; M. DeBroglie the nobleman and statesman who was to play such an important

part in French politics, domestic and foreign, within the next ten years; M. De St. Julaire the bright and witty diplomat, afterwards ambassador of France at the court of Vienna. He was also a frequent visitor in the family circle of Louis Philippe, Duke of Orleans, who was to find himself within another twelvemonth on the throne of France. Poulett Thomson had hoped to enlist the high influence of the duke in favour of a more liberal international policy. No doubt so far as personal inclination went he had the duke's sympathy while prince, and even as king, but the condition of France was not that of England. In Paris, ideas propagate rapidly, but in France social and economic conditions alter very slowly, and this the future president of the Board of Trade was afterwards to discover.

On the eve of the great Reform Act of 1832, Poulett Thomson, though usually confining his attention in the House to matters of trade and commerce, took part in exposing the anomalies and inequalities of the existing system of parliamentary representation. He devoted particular attention to the case of the Duke of Newcastle, who was accustomed to dispose of the electoral liberties of Newark in a very high-handed manner, and who, when his methods were criticized, replied with righteous indignation, "May I not do what I choose with my own?" Even in the reformed parliament which followed, it was this same con-

stituency of Newark which the duke placed at the disposal of young Gladstone, whose fervent denunciation of reform, within the safe precincts of the Oxford Union, had captured the heart of the old nobleman.

Returning to his special field, Poulett Thomson, in March, 1830, moved for a committee on the expediency of making a general revision of the national system of taxation. In an exceedingly able speech, comparable only to some of Mr. Gladstone's efforts in similar lines, he dealt with the whole field of British taxation. Marshalling his large army of facts, figures and authorities, he marched them in perfect order and harmony in the most interesting evolutions across the whole plain of British fiscal policy, and finally massed them in the most effective support of a practically unanswerable conclusion. His language was dignified, yet simple and direct; his diction was elegant, yet natural and easy. For so young a man his range of knowledge was astonishing. He was familiar at once with the economic history of Britain and of the other states of Europe, as also with the existing conditions of the chief commercial countries of the world. He pointed out that the existing system of taxation, with the exception of a few special changes lately made, had simply persisted as Pitt had left it. But Pitt had been forced to raise revenue on the spur of the moment and from year to year, expecting every year of the war to be the last. He

had, therefore, simply lived from hand to mouth, and was the last person to have claimed that he was establishing a permanent system of taxation. Following up scientifically the real incidence of existing taxation, he showed how costly the system was in that it drained the pockets of the people and impoverished industry far beyond the amount which was actually contributed to the exchequer. In his survey of the fiscal system and its pressure upon the raw materials of industry, he incidentally touched upon the timber duties. He pointed out that the single article of timber was burdened with a tax of £1,500,000 per annum in order to promote a special interest, and force the country to take an inferior timber from special sources in the colonies. This and similar criticisms of the colonial timber bounty were to be remembered against him when he came to Canada. He claimed that with lower duties and freer trade there would be a great relief and corresponding stimulus to industry, while the revenue would be enlarged by at least a half. In thus passing in review the fiscal system of the country he did not propose to introduce a sudden revolution, but he did desire that the wisdom of recasting the fiscal system should be acknowledged and that the work should proceed intelligently and systematically.

The mastery at once of principles and details which this speech revealed made it plain that when his party succeeded to power the government

would not have far to seek for a person to fill the presidency of the Board of Trade or, ultimately, the post of Chancellor of the Exchequer. As a matter of fact it fell to his lot to begin that systematic revision of the fiscal system of Britain which Mr. Gladstone brought to a conclusion with the systematic introduction of the income tax, a policy which both Huskisson and Thomson were already advocating as a substitute for the taxes then obstructing the trade and commerce of the country. No attempt was made to answer Thomson's masterly exposition, the principles of which were indeed accepted by the Chancellor of the Exchequer and many others on the government side. Mr. Peel, himself afterwards an exponent of similar views, avoided taking direction from the Opposition on such an important matter by claiming that to accept the motion would be to transfer the functions of the Chancellor of the Exchequer to a committee of the House.

## CHAPTER III

### VICE-PRESIDENT OF THE BOARD OF TRADE

THE unquestioned success which Poulett Thomson had scored in the House of Commons had already completely reconciled his friends to his new sphere of activity, despite the heavy expense of frequent elections during these unsettled years.

During 1830 several important events occurred. George VI died and was succeeded by William IV, necessitating a new election. Huskisson having met with untimely death, the suggestion was made that Poulett Thomson should be chosen to succeed him in the representation of Liverpool; but a strong local candidate coming forward, the idea was dropped. Finally, in November, 1830, the Duke of Wellington's government resigned and Earl Grey came in at the head of the first administration pledged to reform, though some of its members were not very ardent in that cause. Viscount Althorp was the new Chancellor of the Exchequer, and his high appreciation of Poulett Thomson's abilities led to his being offered the position of vice-president of the Board of Trade and treasurer of the navy.

With the death of Huskisson the public seemed to turn to Poulett Thomson as the natural successor of that distinguished advocate of large views

and Liberal principles, and as the fitting representative of the rising commercial and industrial interests of the country. Moreover, Poulett Thomson, in addition to his wide grasp of economic conditions and needs, was much more tactful and discreet than Mr. Huskisson had been in dealing with the public, and especially with opponents. The president and nominal head of the Board of Trade in this ministry was Lord Auckland, who was, however, a very reticent and colourless minister, commonly understood to have been added to the cabinet more for ornament than use, it being necessary to have a few peers in the ministry of reform to give it an air of respectability. Poulett Thomson, therefore, was virtually head of the department, and represented it in the House of Commons. He became actual president of the Board in 1834.

Mr. Thomson's appointment made it necessary for him to withdraw from active participation in business, hence the partnership with his brother was dissolved. As he was re-elected without opposition, he immediately applied himself with characteristic energy to his new duties, seeking to realize in office what he had advocated in opposition. In practice almost every reform, from the very nature of the case, involves the sacrifice of some vested interest or pre-established claims. Thus, for instance, when during the war foreign alkalies were irregular in their supply, heavy duties

had been imposed in order to foster the kelp fisheries on the north coast of Scotland from which a weak alkali was obtained. When, subsequently, trade had resumed its normal channel, the British soap industry found itself heavily handicapped by excessive duties on such articles as barilla, a crude soda-carbonate commonly brought from Spain or the Levant. When, as one of his first reforms, Thomson had secured a reduction of the duty on barilla, the Scottish landlords resented the fiscal change as fiercely as their English brethren did the suggestion of a reduction of the duty on corn. Such were the difficulties which the new president of the Board of Trade met with at every turn in his efforts to simplify and reform the complicated British fiscal system.

It was generally supposed, from the nature of their relations, that Lord Althorp's first budget, brought down on February 11th, 1831, contained a good many features which originated with the new vice-president of the Board of Trade. At any rate he obtained full credit for every interference with vested interests which it contained, and received due castigation from the disappointed monopolists. The proposed reduction on the timber duties was thrown out on a combination of certain ship-owners and colonial investors with the Opposition and with a considerable element in the ministerial ranks, who felt that if this were permitted to pass their turn might come next. Yet, when the Op-

position came into power in 1841, their first budget contained a similar proposal, but though it shared the same fate it aided in preparing the way for the ultimate abolition of this very onerous preference granted by the Mother Country to the American colonies, and which in reality produced no corresponding advantage to the colonies, for it simply promoted the reckless and wasteful destruction of Canadian forests.

Poulett Thomson was now so completely absorbed in the intricate details pertaining to the financial and fiscal aspects of his office, that he took but little part in the great debates of 1831-2 on the Reform Bill. In this, however, as we have said, he was deeply interested, and two of his most intimate friends, Lord Althorp and Lord Durham, had a chief part in the framing of the bill.

He devoted special attention at this time to a commission appointed for the revision of the system of keeping the public accounts; of this Sir Henry Parnell was chairman, and his friend Dr. Bowring, the noted authority on financial matters, was secretary. As the result of their labours, the accounting of the British public offices was brought into harmony with the most approved methods of modern business. We shall find Lord Sydenham directing a similar and much needed revision in Canada.

In November, 1831, Mr. Poulett Thomson and Lord Durham went to Paris to follow up the

previous informal discussions and to set on foot negotiations for a new commercial treaty with France. The joint commission named by the two governments consisted of Mr. George Villiers, afterwards Earl of Clarendon, and Dr. Bowring, representing England, and Messieurs Freville and Duchatel, representing France. The instructions for the British commissioners were drawn up by Poulett Thomson. There was not much difficulty, on the part of the commissioners, in arriving at a provisional agreement based on sound principles of international trade, but it was quite another matter to secure any actual alterations in the existing tariffs which might affect disadvantageously those interests which were at the time reaping profits at the public expense. The work of the commission continued at intervals until 1835, and though at the time only very limited concessions were secured, the way was prepared for much greater results later on.

In the course of his work at the Board of Trade, Poulett Thomson still found that on every hand he had to contend with special interests, domestic and colonial, which either stoutly resisted all attempts at reform, or, under reactionary influences, sought to restore anomalies which had been removed either in Mr. Huskisson's time or his own. In 1832, notwithstanding objections to all innovations in the tariff, he introduced and piloted through parliament an important measure effecting

an extensive consolidation of the excise duties. The energy with which he threw himself into such work, involving as it did an immense amount of detail, naturally told upon his constitution. An item from his journal will indicate how great the strain was. *August 28th, Saturday.*—"A week of the hardest possible labour. I have not returned from the House any day till three o'clock; on Wednesday not till four. It is impossible to stand this! I find my body quite exhausted, and my mind equally worn out. All this week I have alternated between the Bank and Silk Committees, and then the House. On Wednesday I carried my Bill (the Customs Duties) through the Committee: was at it from five till two in the morning, nine mortal hours! . . . . . I passed my Bill to-day, thank God!"

At the close of the session he made a tour through the manufacturing districts of the north of England and southwest of Scotland, acquiring a practical acquaintance with the typical industries of the country and the shipping centres of Glasgow and Liverpool.

The principles which he upheld in the House of Commons were so thoroughly appreciated by the electors of Manchester that he had been urged to offer himself as a candidate for that borough when first erected into an independent constituency as the result of the Reform Act. Though highly flattered by the proposals of his Manchester friends,

he doubted the wisdom of attempting to change his constituency. Hence, while expressing his high appreciation of the honour of representing such a borough, he declined to undertake the campaign, and once more declared himself a candidate for Dover. Even on such terms his Manchester friends continued to prosecute their canvass; the result was, that while he was elected at the head of the poll in Dover, he was also returned by a large majority as one of the members for Manchester. As this expression of esteem and confidence came to him chiefly in virtue of his political principles and parliamentary services from a constituency representing one of the most enlightened and enterprising sections of England, he naturally esteemed it a signal honour. It was the more gratifying in that, owing to the peculiar composition of the House of Commons and the unsatisfactory state of parties, conscientious attention to the public interest and the details of office were but indifferently appreciated in most parts of the country outside a limited circle of enthusiasts. Though loath to break the ties which had been formed with many supporters in Dover, he could not but decide to accept Manchester. Its great importance as the chief manufacturing centre in Britain gave him just that added influence and weight in the House and in the cabinet which was needed to support the commercial and fiscal reforms for which he stood.

The borough of Manchester prepared to celebrate in fitting manner its new liberties and its new members. The speech of Mr. Poulett Thomson was worthy of the occasion. Undoubtedly the most vital issue before the country as a whole was the question as to how far the tide of reform which had been steadily rising for some years past was to be allowed to flow. Staunch Tories had consistently opposed it from the first, the more conservative Whigs, forming the chief body of the ministry under whose administration the Reform Act had been carried, had already said, "So far, but no farther," giving expression to their convictions in the famous "finality" dictum. On the other hand, the more doctrinaire Radicals, a steadily increasing element but with no very definite boundaries, saw opening before them an indefinite programme of democratic reforms, several of which appeared quite revolutionary to the more cautious statesmen of that day. It was the alarming programme of more reforms to follow which was chiefly responsible for the application of the "finality" brake by the Whigs who had passed the Reform Act.

It was this question of future reforms which the new member for Manchester frankly faced before his new costituency, which now heard him for the first time. He declined to accept either the Conservative or the Radical solution, but maintained that the correct policy was that of the open mind to sound ideas, and the open door for reasonable

progress. But this, he held, implied a careful testing, by reference to the actual needs of the time, of every step in the series of progressive measures. Taking up in detail the questions of his own department, he proceeded to give concrete illustrations of urgent reforms which were yet to be undertaken. In the forefront he naturally placed the need for a more liberal commercial policy. Referring to the opposition which his efforts had hitherto met with, he says, "I have been for years exposed to all the shafts which malice or ignorance could point against me for the devotion which I have ever shown to these principles." And what were these principles? "They are the most perfect freedom of exchange—a fair field for our industries —and no restrictions, beyond what for fiscal purposes are necessary, upon the exertions of our manufacturers." He then outlined in concrete shape the whole argument which was years afterwards to free the trade of Britain from its trammels, and enable her to lead the world for another half century. The following extract from his speech will quite fully indicate the principles which he advocated, and the manner in which he presented them.

"But, say the advocates of this admirable recipe for getting rich by Act of Parliament, protection is necessary to secure our industry from foreign competition. What are the effects it has produced in this respect in this country? You see it illustrated at

home in a manner which cannot fail to have been present to every man's mind long ere this. Let me ask you what protection has been given to that great manufacture which gives employment to hundreds of thousands—nay, to millions I may say —within the great district which encircles your city? What protection has the cotton trade had? I answer, none whatever! Unaided by any legislative enactment—unassisted by the fostering hand of power—unprotected by the custom-house book —this great manufacture has grown from an infant's condition until it has attained a giant's strength. We see it with one arm encircle the conquests of the New World, and with another shower its productions into the very heart of that country, the vast empire of India, which was formerly its successful rival, and extending and pushing forth the fruits of its industry even into the central regions of Africa, where no European foot was ever yet stamped. This, gentlemen, is the success which has attended a manufacture which was not the pet of the legislature. Let me now mark the course of another manufacture fenced round by protections of all kinds, equally a production of a foreign country—the raw material equally brought from a distance—and thus affording a fit comparison with that which I have named. What was the case with silk? Was protection wanting there? Were there no laws which restricted foreign competition—were there no penalties upon those who

attempted to introduce it? And did all this protection, amounting to absolute and total prohibition, tend to make this branch of industry flourish and extend itself? Under the auspices of the coast blockade and the search warrant did it realize the theories of the protectionists? Was it found that that manufacture, rivalling and outstripping all its competitors in foreign countries, obtained an extension like its poorer and unprotected, but therefore more hardy, brother? No such thing—not only did it not attain the vigour which would enable it to reach foreign climes, but, in spite of your prohibitory laws—in spite of your penalties exacted from the unfortunate smuggler, it was met even in this country at every turn by its foreign competitors. In these two branches then, we may read the history of the fallacy of protection. My system, then, is this: Leave to industry a full and fair field—relieve us from your unwise protection—remove from us your well-meant but injudicious care—leave us alone, let our talent, our capital and our invention follow their free course, and what I see before me to-day removes, if I ever had, any doubt that we shall then have no rivals to fear, no competitors to dread. . . .

"I contend, and I have contended, that if we consent to take from foreign countries that which they produce, they must of necessity receive from us in payment our productions. They may raise up libraries of custom-house books—they may surround

their territories with custom-house officers—they may fill their seas with cruisers—but, if we are to take anything from them, they must take from us in return. The principle, then, which I have advocated, is to follow out, straightforwardly, our own course, to remove the unnecessary restrictions and prohibitions from the productions of other countries, and to trust to one of two consequences resulting; either a sense of their own folly, which will induce them to adopt a better system of legislation, or to that necessity which I contend must exist—if they wish to take advantage of us—that they should admit, somehow or other, what we can give them in payment."

This will indicate how completely Poulett Thomson had worked out for himself the free trade policy which has long been familiar to England, but which at that time was regarded with so much patriotic apprehension by many ill-informed yet able and conscientious men, and with so much aversion by others who were actuated only by a narrow and personal selfishness. In Manchester, however, these ideas were better understood and more intelligently appreciated, and, as their member was free to confess, "the confidence which you, the electors of this great metropolis of the manufacturing industry of the world, have reposed in me, unsought and unsolicited,—an honour which I never hoped to obtain, and which I should never have sought to achieve,—is indeed the most con-

vincing and irresistible answer to attacks of that description."

The strenuous nature of the welcome which his new constituents extended to him may be inferred from the following entry in his journal.

*Sunday night, December 30th, 1832.*—"This has been a week of prodigious excitement, and I have had no time to set down one word. Monday at the Exchange. Tuesday, Christmas Day, quiet. Thursday, the dinner, the proudest day of my life, 1,250 people sat down, Heywood in the chair. I spoke an hour and a half, and, I think, well. Friday dined at Heywood's, and Saturday night left for town, *very ill.* To-day sent for Copeland."

It may be inferred that after the election of 1832 Poulett Thomson did not relax his efforts in the House of Commons or in the cabinet towards promoting tariff reform. While eloquently advocating the larger features of tariff reform such as the reduction and final abolition of the Corn Laws, the relief of sugar, timber, wool and cotton, which required, however, for their ultimate acceptance a long course of education, he went on with the work of classifying and simplifying the duties, relieving where possible the burdens on minor articles which while contributing little to the revenue distressed both manufacturer and consumer by the exorbitant rates which were levied. These reforms were managed with a quiet tact which escaped the notice at once of his organized op-

ponents and of the public at large. Thus, under cover of the general educational campaign for freedom of trade on a large scale, between 1832 and 1839, the president of the Board of Trade had secured reductions of duty, some of them of very considerable percentages, on three hundred and seventy-two articles, and had greatly simplified the duties on many others. The same system and the same principles were followed by Sir Robert Peel and Mr. Gladstone in preparing for their larger measures at a later date.

A subject to which he naturally gave special attention, and on which his experience was to be called into requisition in Canada, was that of banking. On this subject he held very definite views, the views afterwards embodied by Sir Robert Peel in the Bank Act of 1844, which introduced the system still regulating banking in Britain. The essential feature of the system, as regards the issue of paper money, is that the paper currency of the country should be issued by a single national bank, solely against bullion, and would therefore fluctuate with the amount of bullion in the country. A certain permanent nucleus of the reserve might be held in government securities, which would not, however, affect the large margin of bullion, upon the ebb and flow of which the note issue of the country would depend. For a country situated as England, at the centre of the world's financial and exchange business, such a system has proved on the whole very

satisfactory. The practical experience and economic arguments with which Poulett Thomson supported his views, which were shared by the best financiers of the time, were amply justified in subsequent British history. As to whether such a system was quite as fully applicable to the condition of a colony such as Canada in 1841, we shall have to consider later.

To Poulett Thomson's lot also fell the duty of superintending the passing of the Act for regulating the labour of children in factories, and its subsequent administration by the commission appointed to carry it out. At the close of the session of 1833, he sought a rest in a tour of the Rhine, and spent the month of October at Paris endeavouring to forward the negotiations for a commercial treaty.

During the following session of 1834, the Corn Law question was again much in evidence. The able and indefatigable member for Middlesex, Mr. Joseph Hume, brought on his long-expected motion on the subject. Not content with the sliding-scale system of duties adopted in 1828, he urged a still further reduction to a moderate fixed duty. Mr. Poulett Thomson naturally came to the aid of the free trade forces, and on the 7th of March delivered one of his most important speeches in parliament. As yet those opposed to the Corn Laws were decidedly in the minority in the House of Commons, even on the side of the Whig party.

Hence, in supporting Mr. Hume's motion, Poulett Thomson as a member of the government, though not yet in the cabinet, was in opposition to the majority of his colleagues, an opposition which was most pronounced in the case of Sir James Graham, First Lord of the Admiralty, to whose arguments in support of the sliding scale he devoted some strong, though respectful, criticism. The fact was that Sir James Graham had not been for some time on the best of terms with the majority of the cabinet, though one of the most advanced advocates of the Reform Act, and indeed a member of the small committee which drafted it. Though not in sympathy with the more extreme form of the Corn Laws, he was not as yet prepared to accept any serious lowering of the duties on grain. Yet he was destined some twelve years later to be Peel's most advanced supporter in securing the complete abolition of the Corn Laws. At present his chief difficulty with his Whig colleagues was over the question of the Irish Church, he being an uncompromising supporter of the Establishment. This friction in the cabinet foreshadowed the readjustment which was soon to take place, and which was to relieve it of its most Conservative element.

In the main body of his speech in support of Mr. Hume's motion, Poulett Thomson passed in review the actual history of the Corn Laws from the beginning of the existing system in 1815, pointing out that it had been a burden upon the public

while an unsteady and delusive favour to the farmer. He maintained that the strength of Britain lay in her manufacturing industries, which should be encouraged by the double process of fostering trade with other countries by purchasing their produce, which in turn would encourage the purchase of British wares instead of forcing foreigners to prematurely attempt manufacturing for themselves because they could find no market for their own produce. This was indeed the situation which became so effective some years later in the United States as the justification for building up a protective system there. As usual he did not argue his case upon merely abstract principles assumed to be applicable to all countries in the world. He dealt with the actual condition of Britain itself, which, however, he treated in no narrow manner, but in a broad and comprehensive spirit. There were, it is true, many ardent free-traders who insisted upon generalizing the British conditions in such fashion as to conclude that the trade policy which was most suitable for Britain must be equally suitable for all other countries, and that therefore the adoption of free trade in Britain might be expected to be followed by its adoption in all other countries. Though Poulett Thomson hoped to see the trade of the world much freer than it then was, he nevertheless regarded as the best for Britain the freedom of trade which he advocated, whatever policy other countries might adopt. It is one of the cir-

cumstances most flattering to the fulness and accuracy of his knowledge and the soundness of the judgments which he founded upon it, that nearly all of the practical principles which he maintained, and the features of political policy which he advocated, have been fully realized in the course of British development. Yet, in advocating most of the features of his trade policy and financial reforms, he was considerably in advance of his colleagues, and, as we have seen, frequently in opposition to them, where the question was permitted, as in the case of the Corn Laws, to be treated as an open one. But though thus closely in line with so many great features of policy which were ultimately to prevail, his early death prevented his seeing any of them finally accepted.

## CHAPTER IV

### A CABINET MINISTER

IN the last of May, 1834, the cleavage which had been gradually taking place within the cabinet resulted in an open rupture between the more Conservative and more Liberal sections. Those who went out included Sir James Graham, Mr. Stanley the colonial secretary, the Duke of Richmond, and the Earl of Ripon, formerly Lord Goderich. Lord Auckland took Graham's position as First Lord of the Admiralty, enabling Poulett Thomson to succeed to the titular headship of the Board of Trade with a seat in the cabinet. Otherwise this made little difference in the character of his work, as he had previously covered the whole field, Board of Trade matters being entirely related to the House of Commons, and Lord Auckland sitting in the House of Lords.

Mr. Greville in his racy and cynical manner, has left us a sketch of Poulett Thomson about this time, which brings out in mild caricature several of the distinctive features of the president of the Board of Trade. "I had a great deal of conversation with Poulett Thomson last night after dinner on one subject or another; he is very good-humoured, pleasing, and intelligent, but the greatest coxcomb I ever saw, and the vainest dog, though his vanity

is not offensive or arrogant; but he told me that when Lord Grey's government was formed (at which time he was a junior partner in a mercantile house, and had been at most five years in parliament), he was averse to take office, but Althorp declared he would not come in unless Thomson did also, and that, knowing the importance of Althorp's accession to the government, he sacrificed a large income, and took the Board of Trade; that when this was offered to him, he was asked whether he cared if he was president or vice-president, as they wished to make Lord Auckland president if he (Poulett Thomson) had no objection. He said, provided the president was not in the cabinet, he did not care; and accordingly he condescended to be vice-president, knowing that all the business must be in the House of Commons, and that he must be (as in fact he said he was) virtual head of the office. All this was told with a good-humoured and smiling complacency, which made me laugh internally."

Here we recognize his strong ambition, and entire self-confidence, and yet both rendered quite inoffensive by his sincerity of purpose, his great industry, and his determination to realize his ambitions by proving his worth through his achievements, the whole pervaded by an atmosphere of urbanity and charm of manner which was everywhere acknowledged to be remarkably captivating.

## CABINET CHANGES

The sequel to the withdrawal of the Graham and Stanley wing of Lord Grey's cabinet, was the resignation, a couple of months later, of Lord Grey himself, and the succession of Lord Melbourne as prime minister. Harmony being restored, the cabinet which seemed on the eve of dissolution secured a new lease of life; the majority, however, was too small, and there were too many live questions before the country, which stirred deep convictions and strong prejudices, to permit of the government holding its position in a comfortable or dignified manner. Its own chief political strength lay in the still greater weakness of its opponents, who, though offered several opportunities and having others within their power, yet found it impossible to take advantage of these to defeat the government, since they knew they could not sustain one of their own in the face of a combination of the Whigs, Radicals and Irish, upon whom Melbourne relied for his majorities.

Lord Grey's administration had not been in much favour with the king, but when the more Conservative element had hived off, and it came under Lord Melbourne's leadership, it seemed to lose what grace it had in the king's eyes. When, in November, 1834, owing to Earl Spencer's death, Lord Althorp, his heir, passed to the House of Lords, the House of Commons lost the only leader in whom the king had any confidence. The king, therefore, declared to Lord Melbourne that he in-

tended to apply to the Duke of Wellington to form a ministry. Peel being at the time in Italy, the duke took the place of the whole cabinet, being himself sworn in for as many offices as it was necessary to fill. While waiting for the arrival of Peel the king had a glorious holiday, spiced by the joy which he felt in the discomfiture of his late cabinet. When Peel arrived and the ministry had been filled out, dissolution was granted and a new election called. It did not, however, give Peel sufficient backing, and the new government in spite of, and to a certain extent in consequence of, the loyal support of the king, suffered one defeat after another, beginning with their defeat on the appointment of the Speaker, a contest in which Poulett Thomson took a prominent part. They finally gave up in April, 1835. The king made the best of a disagreeable situation and took back the Melbourne government with "that dangerous little Radical," Lord John Russell, as leader of the House. Poulett Thomson, who had been strongly supported at Manchester, returned as president of the Board of Trade with a seat in the cabinet.

As we have seen, though capable of producing able, if not popular, speeches, Poulett Thomson was by preference a worker rather than a debater. Hence he seldom troubled the House with more than short statements in committee in explanation of measures which he had in charge. This was particularly true in the sessions of 1835 and 1836, dur-

ing which questions of the tithes, the Irish Church, municipal councils, and Orange associations were engaging the attention of the House. Incidentally there was a struggle going on between the Commons and the Lords, accompanied by a great deal of very unedifying political strategy, which gave point to the criticisms of the Radical press and platform as to the decadent condition of the existing political parties, and the need for a new and more vigorous policy having respect to the needs of the masses rather than the whims of the classes. During these years also, owing to the conjunction of a narrow ministerial majority and the prominence of the Irish question, O'Connell was very much to the fore, and his party was understood to hold the fate of the government in its hands. With so slim a majority, however, the fate of the government was in several hands, which by no means improved the quality of its measures; and still it could not be overthrown, for the Opposition was even more powerless to carry its own measures.

One of those periodic financial and industrial depressions which specially characterized the nineteenth century, was at this time deepening over the world, and destined to reach its nadir in 1837. During such unpropitious times Mr. Poulett Thomson, having much to engage him in the duties of his own department, found little inducement to take part in the discussions in the House. Indeed, being now a member of the cabinet, he had not the

same freedom to express in public his personal convictions on certain vital points, where these were still considerably in advance of the opinion of the cabinet as a whole.

When all things seemed to be at their lowest ebb, William IV died, and the Princess Victoria succeeded to the throne. This involved another election, during which Mr. Poulett Thomson had as an opponent at Manchester that rising young star of the Tory party Mr. W. E. Gladstone. As the Liberals had carried Poulett Thomson to victory without his personal assistance, so the Tory element endeavoured to elect Gladstone, though he still sought re-election under the auspices of the Duke of Newcastle at Newark. Gladstone came in at the foot of the poll, and Poulett Thomson decidedly at the head of it, with Mr. Phillips as his colleague. During a subsequent reception at the hands of his Manchester friends, Mr. Gladstone complained of the unfair advantage which Poulett Thomson had taken of him owing to the connection of the Gladstone family with the slave-holding system of the West Indies.

The accession of Queen Victoria brought a new lease of life to the Melbourne cabinet, but did not bring Mr. Poulett Thomson any more prominently before the public, inasmuch as he still confined his attention to the multifarious duties of his office, and the systematic pursuit of the policy to improve British trade relations with the various countries

of Europe. His work lying so largely out of the line of ordinary politics, he came to be regarded by those who look chiefly to parliamentary debate as the one measure of political capacity, as a man who must have been considerably overrated. Hence the surprise which was expressed in several quarters when his appointment to Canada was announced. Still no one who knew him intimately had any doubt as to his great ability. The estimate of his political opponents, divested of party rancour, may be gathered from the brief account of his career given by Thomas Raikes in his journal. Raikes was a staunch supporter of all Conservative principles, the friend and confidant of Wellington, Peel, and other party leaders; of Thomson he says, "I knew him from the early commencement of his career in life, which has been eminently successful. He was originally a merchant of the old firm of Thomson, Bonar & Co., in the Russian trade. He obtained a seat in parliament, and was a great follower of the political economists, with Hyde-Villiers, and a few other young men who cried up the march of intellect, and advocated the new doctrines of reform. He was clever, and whenever he spoke on commercial questions, was always correct in figures and references, though not an eloquent speaker. He was an arithmetical man, which gained him the favour of Lord Althorp, with whom he always voted, and who, when the Whigs came into power, made him vice-president of the

Board of Trade. When Althorp was made Chancellor of the Exchequer, having little previous knowledge or habits of business, he was glad to have a practical man at his elbow, whom he might consult on every occasion. As the Whigs grew in power, Thomson was promoted, and became a cabinet minister. He entered into all the plans of his colleagues to maintain themselves by pandering to the popular cry of reform. He represented the city of Manchester, under the radical interest, as an advocate of free trade, and in that capacity I have some years back alluded to him in my journal."

Poulett Thomson's prolonged efforts to improve the trade relations between Britain and the other European countries were only very partially effective, chiefly because of the opposition of the general public in France to any change in the existing system, and the difficulty of improving trade relations with Germany so long as Britain would abate little or nothing of her duties on wheat, that item being one of the chief articles by which Germany must pay for her imports. With Austria he was more successful, and an important commercial treaty was signed in 1838, which broke up the prohibitive system which had hitherto prevailed in that country. The negotiations with foreign countries were, for the most part, incomplete when he left the Board of Trade.

An institution of much importance for the promotion of British industry, founded during Mr.

Thomson's presidency of the Board of Trade, was the School of Design at Somerset House established in 1837. Superior to the countries of the continent in many other aspects of industry and commerce, Britain had tended to lag behind them in the matter of technical training. With a view to remedy this defect the School of Design was established, marking the beginning of a system of education as applied to industry which received a fresh impetus with the great exhibition of 1851, and led to the extending of these schools throughout the country. It also led to the development of the magnificent industrial museum of South Kensington.

Another subject which specially engaged his attention was that of international copyright, which he earnestly sought to promote as one important feature of that larger intercourse between nations which was his cherished ideal. In 1838 he succeeded in having a bill passed enabling the British government to enter into treaty arrangements with foreign countries for the establishment of international copyright. He endeavoured to negotiate such treaties with France and the United States, but they were as yet unprepared for such advances.

As we have seen, his interest in the promotion of freedom of trade and intercourse was never confined to abstract principles. He had, indeed, a comprehensive and well-balanced conception of the general advantages of free trade, but it was the

outcome of a close study of the actual conditions of trade and industry. Experience had taught him that freedom of trade was to be secured in detail rather than in the gross, and this was the manner in which it was actually accomplished, for the final overthrow of the Corn Laws in 1846 was only the culmination of a series of inroads made upon them. Notwithstanding the numerous modifications of the general protective system and the Navigation Acts, from 1822 to 1846, the protective system was by no means abolished with the Corn Laws. Mr. Poulett Thomson's method of accepting every modification which could be secured and making it the logical basis for further concessions, proved the most effective system in the end. Its great virtue was that it demonstrated to the people in an educative manner that the fears which they entertained as to the injurious effects of the extension of free intercourse were quite groundless. Thus the public prejudice was broken down in a natural and effective manner. In the last speech which he delivered in the House of Commons on the subject of the Corn Laws, on Mr. Villiers' motion to go into committee on the subject in January, 1839, he thus states his attitude: "If I were asked whether it might not be better to have even a free trade in corn, I would reply in the affirmative also. But when I state this I am perfectly aware that here are considerable and weighty interests to be looked into which cannot be lightly treated; and that they should be all fairly

considered and equitably dealt with, and time given gradually to effect a change. I am therefore taking a practical view of the subject, ready to go into a committee upon it, in the hope that we shall be able to introduce such a practical change in the existing system of laws as may prove really beneficial to all parties, and which will not injure any interests whatsoever." In pursuance of this method he sought to follow up Mr. Huskisson's initiative in gradually extending the warehousing system, first by enlarging the list of seaports admitted to the privilege, and then by extending it to the inland towns. The latter extension, however, had not been secured when he left the Board of Trade, nor indeed for some years afterwards.

In extending the range and usefulness of the Board of Trade, Poulett Thomson found that it could most effectively undertake the regulation of the railway system, which as an important factor in national life came into existence during his administration of the department. He introduced a system of supervision of the rapidly increasing number of railway charters previously issued by the Home Office, which had not the facilities for enquiring into such matters. The number of charters had increased from nine in 1832 to forty-two in 1837, when they were checked by the crisis of that year. This principle of supervision of private bills with a view to protecting the interests of the general public, he extended to all measures relating to trade,

and this was found to be a much better safeguard than the loose and irregular supervision by committees of the House. Thus was begun that systematic supervision of corporate enterprises which has since kept pace with the growth of economic corporations. With the usual shortsighted conception as to what freedom of trade really implies, there were many who thought that this policy of regulating corporations in the public interest was a very inconsistent one to be so strongly advocated by an advanced free-trader.

In 1832, while still vice-president of the Board, he assisted in organizing a special department of it for collecting and publishing digests of the statistics of the empire, and selected for the office Mr. G. R. Porter, whose well-known book *The Progress of the Nation*, has long been a work of reference and a mine of information as to the economic and social development of Britain from the beginning of the nineteenth century to 1845.

Mr. Poulett Thomson's constitution, as we have noted, was not at all robust. Being already the victim of chronic gout, he found the double duties of supervising the increasing functions of the Board of Trade and of attending the long night sessions of the House of Commons to be rather more than his impaired health would permit. One rather obvious method of getting rid of attendance upon the sessions of the Commons, without giving up his office, would be to secure his elevation to the House

of Lords. Ambition being a strong factor in his composition, such a recognition of his services would undoubtedly have been very gratifying, and there were numerous precedents. As he seldom spoke in the House, his elevation to the Lords would not have weakened the debating power of the cabinet, although it was by no means strong in that direction. In outstanding names before the country, the ministry was decidedly weak. Sydney Smith very well expressed the general public sentiment on this subject. Speaking of Lord John Russell, the one outstanding personality in the ministry, he said, "I only mention Lord John Russell's name so often because he is beyond all comparison the ablest man in the whole administration; and to such an extent is he superior that the government could not exist a moment without him. If the foreign secretary were to retire, we should no longer be nibbling ourselves into disgrace on the coast of Spain; if the amiable Lord Glenelg were to leave us, we should feel secure in our colonial possessions; if Mr. Spring Rice were to go into holy orders, great would be the joy of the three per cents. A decent, good-looking head of the government might easily be found in lieu of Viscount Melbourne. But, in five minutes after the departure of Lord John Russell, the whole Whig government would be dissolved into sparks of Liberality and splinters of Reform."

We get a glimpse of the estimation in which Poulett Thomson was held by his colleagues and of

the place which he occupied in the cabinet from Lord Melbourne's reply to certain rather urgent suggestions from Lord John Russell in October, 1838, as to necessary changes in the cabinet. Speaking of the proposed changes, including the possibility of removing Spring Rice from the position of Chancellor of the Exchequer, the prime minister says, "If you open the exchequer, consider whether it would be really wise or prudent or fair to pass over Thomson. He is a much abler man in finance than any of them, has a more complete knowledge of the subject, he is clear, short, distinct, and not trammelled with crotchets or scruples. Suppose he were to ask you, 'Why am I passed over?' what could you say to him? You could not say 'You are not the best qualified,' because he certainly is. You could not say that 'You are unpopular,' because that is to make a man's fortune depend upon fancy, taste, and fashion. His connections in the city are as much an objection to his being president of the Board of Trade. I think he would be more easy and happy in the office after all the worry of the other." However, the sudden death of Lady Russell on November 1st put an end for a time to the proposed reconstruction of the cabinet. Shortly afterwards, owing to the defection of their Radical support, Melbourne and Russell decided to resign on May 7th, 1839.

Peel undertook the formation of a ministry, but one of his conditions was that certain ladies, relatives

of the late ministers, should retire from immediate attendance upon the Queen. To this the young Queen refused to assent, with the result that within four days Melbourne and his ministry were back in office. The waning support which the Whig cabinet had received in the House of Commons had been partly due to the unpopularity of Mr. Spring Rice as Chancellor of the Exchequer. Moreover, Canadian matters, as we know, were in a terrible tangle, owing to the outbreak of the rebellion in Lower Canada and the subsequent indiscretions of Lord Durham as governor-general. Lord Glenelg, as colonial secretary, had been quite unable to command the situation, and though he was supplanted by Normanby, things were scarcely improved. Hence, in taking up office again, it was felt that some changes must be made in the ministry. As one result, Spring Rice, and not Poulett Thomson, was elevated to the peerage.

Thomson then had to choose whether he should take the position of Chancellor of the Exchequer or go out as governor-general to Canada. What the final considerations were which determined his acceptance of the Canadian position, it is not easy to determine, though his journals throw some light on the subject, once the decision was made. The difficult appointment of Canadian governor was undoubtedly offered to more than one before it was accepted by Poulett Thomson. There were even some who volunteered to take it. The Marquis of

Normanby, desiring to be relieved of the position of lord-lieutenant of Ireland, expressed to Melbourne his willingness to undertake Canada. Mentioning this to Lord John Russell in a note, Melbourne said, "I so much like Normanby's readiness to undertake Canada, that I am loath to make any sarcastic observations upon it." They did not send him to Canada, however, but made him colonial secretary for a short time. Another marquis willing to undertake the difficult position was Lord Bread-albane. But though Melbourne was pleased to note the willingness of men of his rank to undertake public service, his offer also was declined. On the other hand, the position was tendered to Lord Clarendon, Lord Dunfermline, and Earl Spencer, but declined for one reason or another.

## CHAPTER V

### GOVERNOR-GENERAL OF CANADA—ORIGIN OF THE CANADIAN PROBLEM

IT was doubtless the personal influence of Lord John Russell, coupled with the small prospect of achieving further political reputation in connection with the discredited Whig administration at home, that finally determined Poulett Thomson to accept the position of Canadian governor. It was arranged at the time that, owing to the importance of the office, Lord John Russell himself should take the position of colonial secretary. That being so, Poulett Thomson knew that he would be relieved of all anxiety as to the imperial end of his mission. The perfect understanding which existed between the colonial secretary and the colonial governor undoubtedly had much to do with the success of Lord Sydenham's administration.

There appears to be little doubt that the new governor went out to Canada with the understanding that, if successful in his mission, he should be elevated to the peerage. Lord Sydenham's nature was one of those in which personal joy in the accomplishment of good work — in the carrying through of great ideas to a successful practical issue — was closely interwoven with that love of approbation which spurred him to additional effort,

if not for popular applause, yet certainly for the approval of those whose opinion he specially valued. At the same time his whole career proved that his strong confidence in his own judgment enabled him readily, if not joyfully, to stand practically alone in defence of measures which had enlisted his sympathy or commanded his judgment.

When his appointment to the Canadian governorship, which took place on August 29th, 1839, was announced, it was received with very varied comments. Many of those who regarded him only from the point of view of popular standards, and who had little or no personal knowledge of him, condemned the selection in round terms. It is true that any choice was certain to be condemned on party grounds, political feeling being particularly bitter at the time, and Canada was one of the chief issues of the day. Judged, however, by the men who knew him intimately, or who had occasion to know what he had accomplished, there was no doubt as to his fitness for the position, and many who judged him harshly at the time of his appointment afterwards made ample amends in their acknowledgment of his distinguished success.

It will at least be evident from the foregoing summary of the business and political career of Poulett Thomson, that he was exceptionally well qualified, from his thorough and practical knowledge of the actual workings of the British system

of political parties and cabinet government, to undertake the reconstruction of the Canadian government upon similar lines. His expert knowledge, at once of the public and private aspects of trade and finance, enabled him to greatly assist in introducing some rational system into the indescribable tangle of provincial finance, which was alike narrow in revenue and prodigally wasteful in expenditure.

Hitherto the British government had deemed it the part of wisdom to send as Canadian governors military experts instead of civil administrators; and, owing, one may suppose, to some beneficent system of compensation in nature, the very incompetency of the military administration in civil matters brought about in due course the requisite opportunity for the exercise of military talents, thus proving conclusively, for those who had an understanding for such matters, the great foresight of the home government in having on the spot military governors ready to cope with rebellion within the colony and foreign sympathizers without. Now, however, that the former system had done its worst, a new line of experiment was to be essayed, and a new type of governor appointed. What then was the nature of the problem which the new governor had to face?

As was fully recognized in Lord Durham's Report, the central difficulty which lay at the basis of the racial troubles in Canada, and which prevented the settlement of the political and economic

problems which had grown up in that colony, was the policy of the Quebec Act. It was this measure which had established a radical and permanent cleavage between the French and English races in Canada. For the fatal consequences of this measure, therefore, Lord Sydenham had to provide a practical if not, in the eyes of all parties, a popular solution.

At the time of the conquest, the terms of capitulation and the Treaty of Paris, with a humanity as generous as it was rare under such circumstances, had guaranteed to the conquered people complete security of property and freedom of religious faith, demanding only submission to the general legal and political institutions of the government of which they were henceforth to be subjects. The British authorities made no attempt to interfere with the domestic customs and institutions of the French-Canadians; while under the British constitution and laws substituted for those of France, the general body of the people enjoyed an immunity from feudal exactions which contrasted happily with their former condition and introduced for Canada a period of unwonted prosperity. Unaccustomed to the more advanced forms of British freedom and self-government, which had been gradually established in the older colonies to the south, few of the French-Canadians understood or sympathized with the claims for representative government raised by the small but growing

English element which, attracted by the opportunities for trade, had resorted to the colony immediately after the conquest. These claims, though based upon the definite promises of the British government in 1763, which frankly contemplated for Canada a British future, were undoubtedly somewhat premature.

A special difficulty, as regards representative government, was presented by the character of certain English laws which had been expressly framed to exclude those professing the Roman Catholic religion from many of the normal privileges of British citizenship. The vast majority of the Canadians being Roman Catholics, it was not practicable to apply to Canada the British conditions of representative government, hence a special constitution would have been required, with new forms of oaths, to permit of Canadians being elected members of the legislature, or of holding public offices. For such a special constitution, most of the English element in Canada were quite prepared, though, in default of special legislation, some of them were evidently quite willing to assume the responsibility of legislating for the colony. However, no real inequality of rights seriously threatened the new subjects, and considering the many radical differences between French and English political institutions, rapid progress was being made in anglicizing the colony. How rapid this was the astonished officials of the provincial government

afterwards amply testified, though with much chagrin.

Increasing difficulties, however, with the older colonies, caused the military governors to look with growing suspicion upon the anglicizing process which was so rapidly going on in Canada. In the official mind the idea was soon firmly planted that the lack of submission to those in authority manifested by some of the adjoining British colonies was due to the removal of the dread of invasion from French Canada and its Indian allies. Hence, disregarding all else than the maintenance of British authority, the governing mind conceived the idea of restoring Canada to the condition which it had occupied under French rule, merely substituting George III for Louis XV, clothing him with the same feudal powers, and, as a necessary incident, restoring the military and feudal privileges of the noblesse, and placing the Church also in its former relationship to the system. This involved the reversal of the previous British policy, adopted only after careful consideration of the present and future of the colony, — the abandonment of voluntary pledges and the abolition of such English laws and institutions as had been introduced, the discouragement of British immigration, and the securing as far as possible of the withdrawal of the English element already in the colony.

To accomplish these results the Quebec Act was passed. In justice to the authors of that Act and to

the policy which it expressed, it must be acknowledged that they had no idea of attempting to govern under it two distinct races. It was framed to govern one race only, and that exclusively French-Canadian. Such a policy, however impracticable, was at least self-consistent. The subsequent absurdities in the Canadian government were due to a radical change of policy without a corresponding change of constitution, resulting in a system which was neither self-consistent nor practical.

But before the Quebec Act could be put into execution the American revolution, of which it was one of the chief precipitating causes, had run its course, and rendered the policy of the Act useless. Through the irony of fate Canada now remained the most important portion of the British possessions in North America, and the Quebec Act, if honestly administered, would have guaranteed it a French, and not a British, future. For a time after the loss of the American colonies, the British people and their government seemed anxious to forget that unfortunate episode and the policy which had induced it. At any rate, while the central policy of the Quebec Act was rendered meaningless by the loss of the southern colonies, and while the coming of the Loyalists caused the administration of the French system to become very embarrassing, still the government had not the courage to revert to its former policy, and the fact that it was urged to do so by the Opposition naturally prevented its adop-

tion. On the contrary, the most unfortunate course possible was taken. A process of piecemeal encroachment upon the Act and nullification of its leading principles was entered upon. This movement immediately precipitated the most vigorous protests on the part of the French lawyers, judges, and members of the council, supported by a few of the English officials who had been instrumental in getting the Act passed. The English element, however, and the judges and officials who sided with them, began from the first to introduce English law and rules of court, and English features of administration quite contrary to the spirit of the Quebec Act.

Technically, of course, the Quebec Act, while restoring the French-Canadian system of law, tenures of land, and other feudal obligations, naturally provided for additions and amendments to the law for the future, through the medium of a legislative council. But, under a policy which frankly abolished the British laws and institutions in order to restore the French system, it could not be imagined that, except by obvious breach of faith, the legislative powers of the council would be employed to gradually abolish the French and reintroduce the English system. Yet this is what was actually attempted, and it was the very obvious lack of frankness in the process of reversing the policy of the Quebec Act, while professing to respect it, which increasingly exasperated the French-Canadians. The English law

and legal procedure were introduced into the practice of the courts where the cases of English subjects were tried. The result was not only a breach of faith, but endless confusion in the courts. As was so fully admitted in the exhaustive reports of 1786-7, the English element in the colony refused to accept the Quebec Act as final, but instead of leaving the colony, as Carleton had hoped and as they themselves freely admitted would be necessary if the Act were to be taken as final, they remained and continued to contend for what they claimed to be their rights under the first pledges given by the government.

It is true that various amendments to the law, in the direction of introducing British features, were brought up in council and hotly debated there. Yet, except during the brief administration of Lieutenant-Governor Hamilton, after the recall of Governor Haldimand, these amendments were invariably defeated. The first English governors,—Carleton, who secured the passing of the Act, Haldimand, Hope, and Carleton again, during the first part of his administration as Lord Dorchester, stood by the Quebec Act, and sided with the French element against the British. But Dorchester, after a futile effort to compel the English Loyalists to give up their British institutions and come under the yoke of French feudalism, gave up the contest and, while deprecating in a feeble manner the bitterness which was rapidly develop-

ing under the breakdown of his system, adopted a neutral attitude. He mildly protested against the dismemberment of the province but accepted the fatal compromise of the Constitutional Act, which, without repealing the Quebec Act which had arrayed the two races against each other, simply furnished each with a weapon to smite the other.

The Constitutional Act divided the province, to placate the Loyalist settlements, and added a representative assembly to the legislative council provided by the Quebec Act. Otherwise it left the inhabitants to settle as best they could whether the future of Canadian institutions was to be British or French. In Upper Canada the majority at once settled the question in favour of a British future. In Lower Canada the majority would have settled the question as readily in favour of a French future had they been entirely permitted to do so.

Pitt, prime minister at the time of the passing of the Constitutional Act, was absorbed in matters nearer home which naturally appeared of vastly more importance than the constitution of Quebec. He therefore dismissed the most vital issue in the Canadian problem with the easy declaration that, having permitted, by the division of the province, the people of Upper Canada to change from French to British institutions, the Lower Province would probably soon follow their example. The painful contrast which the antiquated and illiberal institutions of Lower Canada would present in comparison

with the British institutions of Upper Canada would naturally, he claimed, open the eyes of the French-Canadians to the superiority of the British system, and lead to its voluntary adoption. Needless to say, with the exception of a few French-Canadians whose education and business associations rendered them familiar with British institutions, the only parties in Lower Canada who realized the undesirable consequence of retaining the French system were the English element of the cities and of the newer settlements. But the more strongly they endeavoured to secure the introduction of British features, the more stubbornly were they resisted by the French-Canadian majority, with the result that even the most obsolete and antiquated commercial features in the French-Canadian system were defended with a vigour and a length and refinement of argument in direct proportion to their weakness. Moreover, as time went on, the administration of Upper Canada under the much-vaunted British institutions, seemed to present a very doubtful example of peace and felicity.

In the meantime, the governors who succeeded Dorchester increasingly allied themselves with the English element in the colony, and took every opportunity to enlarge the English and diminish the French features in the public law and administration of the country. Naturally, with the expansion of the colony and the development of its commercial interests, the introduction of new and the amend-

ment of old laws would be required, but, owing to the peculiar antagonism which existed between the laws and customs of the two races, every proposed amendment to the French law was looked upon with extreme suspicion as simply a further attempt to encroach upon the French nationality. On the other hand, the numerous amendments to the English law in the Upper Province passed without comment. Soon the national position of the two races came to be reversed. When the Quebec Act was passed the French were the loyal and the British the disloyal element; under the administrations subsequent to the Constitutional Act, the British became the loyal and the French the disloyal parties. Moreover, the French were constantly accused not only of disloyalty but of base ingratitude for not giving up at a later stage and under pressure, that which they had been voluntarily granted and encouraged to accept, many of the common people much against their will, when the Quebec Act was passed. In other words, having been at one time invited and even coerced to remain French they were afterwards accused of disloyalty for refusing to give up their French nationality and become British. But as the French-Canadian poet Frechette has put it, " while the French-Canadians undoubtedly owed Britain a permanent debt of gratitude, it was from the fact that after the conquest she had not required them to become British." Had the French-Canadians been frankly left to them-

selves under the Quebec Act, they would undoubtedly have gradually modified and developed what was in many respects an obsolete and antiquated system of law even at the conquest. But, owing to the antagonism of races and institutions, they dared not admit any defects in their system or any necessity for amendments, since this would afford a pretext to substitute the laws of their rivals.

One cannot avoid a certain sympathy with the unprogressive and even reactionary policy of the French-Canadians if one considers what would have been the consequences had a colony of Englishmen been conquered by France, and, to suit some special domestic policy of the French government, had not only been allowed but encouraged to maintain their British laws and institutions. And if, afterwards, without any change of constitution or professed change of policy, they found their English laws and institutions being gradually encroached upon with the obvious, and indeed confessed, intention of forcing them to become French, what must have been their feelings, and, in consequence, their actions? Can we suppose that a British colony thus treated would feel such affection for the sovereign power of France that they would voluntarily assist in such efforts to change their nationality? They would undoubtedly strive to throw off the foreign yoke which alone prevented the untrammelled enjoyment of their native institutions.

It is true, as already indicated, that under the Quebec Act alone, with a governor in sympathy with the English element in the province, and consequently with a legislative and executive council ultimately of the same complexion, it would have been constitutionally quite a simple matter to have abolished the French-Canadian laws and institutions and substituted a British system in their stead. But having provided by the Constitutional Act for an assembly representative of the popular element in the province, it was impossible to restore the British laws without the consent of the popular majority, and this of course was steadily withheld. Thus, by one of the numerous ironies of fate which pursued British policy in Lower Canada, the introduction of representative government, without the repeal of the Quebec Act, instead of effecting, as was intended, the introduction of a characteristically British and anglicizing factor, proved to be the most effective means which could have been devised for putting a complete check upon every British innovation other than those which were irregularly, and more or less surreptitiously, introduced through the medium of the executive government.

## CHAPTER VI

### GOVERNMENT UNDER THE CONSTITUTIONAL ACT

IT had been quite generally assumed that the granting of representative government under the Constitutional Act would confer upon the Canadians, whether in Upper or Lower Canada, all the privileges and blessings of the British constitution. But those who lightly employed such language to enhance the concessions made in the Constitutional Act, in a vain effort to dispose of the troublesome Canadian problem, seem to have assumed that the essence of the constitution consisted merely of three allied governing powers, the King, the Lords, and the Commons. These powers Britain had had for centuries, and yet had obtained from them very different systems of government, depending upon a special arrangement and balance of the three correlative powers, but depending still more upon the social and political atmosphere in which they operated, and which was the expression of changing temperaments, ideals, and the general public opinion of the body of the nation. Thus, not only did these co-ordinate powers give many kinds of government in the course of their past adjustments, but were to give wholly unexpected, and to many of that age, quite shocking phases of government for the cen-

tury to come. When, therefore, the Constitutional Act added to the governor and council of the Quebec Act a representative assembly, it did not follow that, because the system superficially resembled that of the Mother Country, it must of necessity produce the same results in Canada as in Britain, or even similar results in the two provinces into which the territory of Canada was divided. Nor did it follow that the balance of power and the adjustment of executive responsibility, as worked out in Canada, would at all resemble the British system of responsible government.

The governor who represented the king, just because his powers were delegated, of necessity occupied a very different position from that of the king, whose powers were original, though greatly limited by gradually developed traditions and usages. In some respects much more depended upon a governor in Canada than upon the king in Britain, in others much less. In his executive functions he was much freer from traditional limitations, and depended to a far less extent upon the responsible advice of his councillors, though, for quite other reasons, he was commonly at the mercy of his council in many irresponsible ways. In other respects he was supposed to be governed by specific Acts of the imperial parliament, and to operate under an elaborate body of instructions which curtailed his freedom in certain directions while forcing his interference in others. He was also

required both to seek and accept special instruction and advice from the colonial office.

But there were other differences quite apart from constitutional questions. The governor was not born and reared in the midst of Canadian conditions, with family traditions and personal interests all connected with the past, present, and future of the country. He came to Canada too often a stranger alike to its historic and its actual conditions, and, being commonly a military man, had little or no knowledge of the working principles of civil government. On the contrary, he had the traditions of a man in authority sent out to govern the distant possessions of the home country, the emigrants to which lost their capacity for sound judgment and the exercise of British liberty in much the same degree as if they had been recruited into the army. From the point of view of the colonists, too, the governor's position was very different from that of the king. While recognized, for the most part, as an exalted and important personage, this was chiefly due to the official position which he filled and the influence which he exercised with those in power at home, but his position was temporary and his powers delegated. His decisions might be appealed against, his tenure of office was uncertain, and by agitation it might be curtailed. Moreover, he was not, like the king, a person who could do no wrong, because of the responsibility of his ministers. His ministers might indeed be the

real advisers of his actions, but they were not responsible for them, being always able to take shelter behind the authority of the governor, who, in turn, was responsible to the home government, and might on occasion take shelter behind his instructions from the colonial office. At the same time, every governor came to Canada as a stranger, and must, therefore, of necessity obtain most of his information and ideas on government from those who filled the administrative offices, and who were thoroughly familiar with local conditions, at least as seen from their particular angle of experience or interest. Hence each successive governor was naturally more or less at the mercy of his executive officers, the more important of whom commonly occupied seats in both the legislative and executive councils. The real governors of the colony were thus so sheltered that to attempt to attack them resulted in an assault on the governor, and through him on the British government. The governor's position, therefore, and his relationship at once to the country and to the other estates in the government, were very different from those of the British king.

The legislative council was supposed to be the counterpart of the House of Lords. A great part of the Constitutional Act was taken up with provisions for securing in the colony a body of landed aristocracy which, when furnished with suitable titles of honour, would provide the requisite nobility from which to recruit the legislative council,

or Canadian House of Lords. The proximity of the exalted rank and dignity of these Canadian nobles would incidentally sharpen the tooth of remorse which was assumed to be gnawing the consciences of those fallen republicans in the lower regions to the south.

As aristocratic institutions were still naturally associated with divine rights, so the normal support of an aristocracy was a State Church. Extensive provision was accordingly made in the same Act for the support of an Established Church. It is doubtful which of these two allied contributions of the Constitutional Act caused most trouble in the country before they were finally disposed of. The provision for an aristocracy contributed the Family Compact, with the necessary accompaniments of land-grabbing intrigues, for an impecunious aristocracy would inspire little awe and less envy. The provisions for a State Church contributed that apple of discord, the Clergy Reserves, which provided so many and so sadly neglected opportunities for the display of Christian charity.

As the members of the legislative council held their offices for life, they were free from the corrupting influences which press upon those who have to keep in touch with the vulgar multitude. They could, therefore, if so inclined, freely devote to public questions an enlightened mind and unbiassed judgment; or, if differently minded, they could devote themselves with equal effect to the

pursuit of private interests and class privileges, with a calm disregard of public opinion.

The executive council, gradually shaping itself into a body of ministers with specialized functions, consisted, as a rule, of the special members of the legislative council who presided over the administration of government. Theoretically they were selected by the governor, practically, as we have seen, they were commonly selected by the office-holding cliques who monopolized the ear of the governor. The governor, however, was ultimately responsible for their actions, on practically the same terms as the president of the United States is responsible for his cabinet of secretaries. Not being mutually responsible to the people, as in the present form of the British or Canadian cabinet, they might be, and sometimes were, quite at variance with each other, whether as to the general policy of administration, or as to special, though vital, features. Quite generally, however, the absence of mutual responsibility to the legislature was supplied by the bonds of self-interest and mutual appointment essential to the effective control of successive governors. These close corporations of office-holders were known in Upper Canada as the Family Compact, and in Lower Canada by various names, among them the "Scotch party."

The foundation of the Family Compact in Upper Canada was laid by Governor Simcoe, who brought with him as his first executive officials a number

of men for the most part associated with him in the late Revolutionary War. Appointing these to the chief offices of trust and to seats in the legislative council, he virtually established for them a life tenure in the executive offices. These were the men who were encouraged by Simcoe to regard themselves as the foundation stones of that new aristocracy which, with their successors, would become the bulwark of the British authority, and ensure the remaining British possessions in America against the subtle inroads of democracy which had undermined the authority of the home government in the lost colonies to the south. These gentlemen took their functions very seriously. With lavish hand they bestowed upon themselves in the king's name vast tracts of the best land in the province. In the meantime, while the poorer immigrants in the surrounding settlements were raising these idle lands into valuable estates, they subsisted on the various offices of considerable emolument in the province, and in various ways so identified themselves with the king's interest that to doubt their authority or their rights was to dispute the royal prerogative, to question their pretensions was disloyalty, to attack their privileges was treason, and to seek to overthrow their power, or to subordinate the executive to the representative body was republicanism and rebellion.

In Lower Canada, after furnishing the French-Canadians with an assembly as their organ, the

legislative and executive councils became the stronghold of the English element, who, naturally furnishing a controlling atmosphere for the successive governors, persuaded them that in spite of the Quebec Act the province was destined to be ultimately British. By means of more or less active measures they assisted in promoting that idea. The French element, becoming more pronounced in their opposition to this policy, utilized, with increasing skill, their majority in the assembly to block this purpose. But, by putting themselves in opposition to the English element, they became a party of disloyalty, losing incidentally the confidence of the governor and therefore all prospect of filling any important offices in the administration of the province.

Obviously, during the régime of the Constitutional Act, the legislative council in both provinces was anything but an obsolete institution. It was the only vital organ for expressing the wishes of the British element in Lower Canada; in a somewhat less special degree it was the organ of a very select class of interests in Upper Canada. Since all legislation must either originate with the assembly or at least receive its sanction, the majority in the assembly could, on the one hand, insist upon their favourite measures being brought forward, or, on the other, block any measures distasteful to them which might originate in the council or were introduced by the minority in the assembly who

sympathized with the council. As from the first the French-Canadians were in a majority in the assembly of Lower Canada, and could control it when so minded, and as, after the introduction of the Constitutional Act, the English element predominated in the council, the race cleavage was enabled to express itself effectively in the two branches of the legislature. But, while each branch of the legislature was all-powerful in blocking any objectionable movements on the part of the other for the introduction of new laws or the amendment of old ones, each was correspondingly impotent to insure the enactment of any legislation, no matter how vital it might be for the interests of the country. Only such measures, therefore, could be passed as were of a neutral character as regards the racial issues, or such as were absolutely requisite for even a hand-to-mouth provincial existence, and on which a compromise might be arranged.

The leaders of the popular party in Canada became familiar with the superficial aspects at least of the powers and functions of the House of Commons in Britain and the virtual responsibility of the ministers of the Crown to the majority in that House. It was then readily perceived that, if this principle could be introduced and secure recognition in Canada, it would enable the popular party to control the situation. In the Lower Province it would give to the French-Canadian nationality, through its leaders, a complete control of the

government of that province, while in Upper Canada it would enable the party controlling the majority in the legislature to control also the executive government. In Lower Canada, once the French-Canadian party was efficiently organized, this would have meant that, by the introduction of this one feature from British constitutional practice, the French-Canadians would have been able to prevent any other British element from being brought in to contaminate their historic institutions. They would then have been free to accomplish Carleton's aspiration in preventing any further British immigration to Lower Canada, and would have regarded with much complacency the exodus of the British settlers to escape the French system. In Upper Canada it would probably have had the opposite effect, as the majority in the assembly professedly favoured progress and innovation, though it must be admitted, from a survey of the measures which they frequently advocated, that their conception of progress was distinguished for its ardour rather than its wisdom, and their innovations were frequently ill-digested and even impossible. In neither province, however, with a very few exceptions in Upper Canada, did those who advocated the British system of a government controlled by the popular branch of the legislature understand what that really meant as operated in England. Nor did they realize what were the characteristic details of political organization and practical ad-

ministration which must of necessity accompany responsible government in order that it might be operated in Canada with anything like the same efficiency as in Britain. It was one of the chief functions of Lord Sydenham's administration to enlighten the Canadian politicians on this subject, and to demonstrate to them, from his own personal experience, how many other factors and how much of detailed organization were indispensable to the elementary working of responsible government.

It was, however, a well-known historic fact that the chief means by which the English House of Commons had risen from a very subordinate to a distinctly controlling position, was its command over the national purse. This avenue to power had not, it may be imagined, been neglected by the popular leaders in the assembly of either province. However, certain difficulties had been met with from the first. Before the days of representative government in the Canadas, certain imperial Acts had provided sources of revenue which were beyond the control of the assembly. This revenue was provided for before Britain pledged herself, in a belated effort to reconcile the American colonies, not to levy further specific taxes upon any of the colonies. Moreover, in the earlier days of the assembly, certain revenue Acts were made permanent, but these could be amended, to give the assembly annual control, only with the assent of the legislative council, which was of course steadily refused, the

purpose of the amendment being too well understood. With these permanent sources of revenue and some assistance from time to time from imperial funds, it was possible for the executive government to continue its functions even when the assembly refused to vote supplies. For such public objects as the assembly could not afford to neglect, they were compelled to vote specific sums. Control of the revenue being an all-important factor in the conflict with the executive and legislative councils, especially in Lower Canada, the contest tended to centre round this problem. The central object of attack, however, was the legislative council with its adjunct the executive council. The lines of attack were not always very consistent with each other. It was finally demanded, as the most direct way out of the difficulty, that the legislative council should be made elective, which would give the French the command of both houses of the legislature.

In Upper Canada, there being no racial problem, there was much less definiteness in the issues which divided the political groups. Class privileges and an office-holding oligarchy were the chief objects of attack. A whole volume of grievances was ultimately compiled, but the majority of the items resolved themselves into instances of arrogance and self-seeking by the favoured group who sought to monopolize the most promising resources of the province, especially the public offices. One of the

most prominent subjects of discord, the Clergy Reserves, was simply a case in point, being essentially a question of class privilege in the enjoyment of public funds. In Upper Canada the movement towards popular control of the executive was steadily working out, though in a rather crude fashion. It was simply a matter of time, accompanied, of course, with much politicial friction, as to the final control by the assembly. It suited the purpose of the Compact party and of the lieutenant-governor, who was their very willing instrument, to identify the Mackenzie episode with the purpose of the reform party, in order to brand their movement as essentially treasonable. In this, for a time, the oligarchy was fairly successful. The cause of reform appeared to have received an indefinite set-back, when, fortunately for its advocates, the Durham Report exploded the reactionary programme. While condemning the small body of desperate men who attempted or favoured rebellion, Durham's Report strongly supported the more rational features of the reform policy, and boldly advocated the adoption of the British system of responsible government as an ultimate remedy for the political difficulties of the Upper Province.

In Lower Canada, on the other hand, most far-sighted observers had perceived, even from the time of the adoption of the policy of the Quebec Act, and afterwards at the time of passing the Constitutional Act, that the situation in that province must

lead ultimately to an open rupture between the two races, and even between the two provinces. To insure to the French-Canadians all the essentials of their nationality, and yet to deny to them the logical and necessary consequences of a complete control of their domestic affairs and of an ultimate escape from the national humiliation of a foreign yoke, was nothing short of the refinement of racial cruelty, which, fortunately for the reputation of British humanity, the English people have repeatedly condemned when practised by other countries. To expect the French-Canadians to voluntarily forego their nationality, and peacefully resign themselves to British citizenship, was the height of absurdity. There was plainly no alternative, consistent with reason and humanity, other than that of granting them full independence as a distinct people, or to take away once and for all the occasion of those tantalizing dreams of French nationality, and give them to understand that, however distasteful for the present, their ultimate fate was to be a corporate part of an Anglo-Saxon colony with unified and harmonious political institutions.

Wisdom and humanity had long demanded one or other of these alternatives. No one of the long series of frequently changing colonial secretaries and their delegated governors could find any other solution. But, with the exception of a half-hearted attempt to reunite the provinces in 1822, in the face of the plainest warnings, no one of them had the

courage to face either alternative. They simply temporized while the situation steadily grew worse, each contenting himself with the prayer that peace might be vouchsafed in his time. At last the inevitable and long-expected happened. It matters little whose pipe sets the heather on fire when any spark will start a blaze.

Had the French-Canadians been as well organized as they were ripe for revolt, and had those beginning the rebellion enjoyed competent leadership, a few initial successes would have brought the great majority to their assistance, while almost none would have declined to join an independent French government. The Loyalist party in such a case would have been easily taken care of. But French-Canadian leadership was wofully deficient, and the rebellion was short-lived; nor was a second outbreak, immediately following Lord Durham's departure, any better managed or more successful.

## CHAPTER VII

### LORD DURHAM'S REPORT

AT length the British government recognized that the problem of Lower Canada had really to be faced. Lord Durham, with an able staff, was despatched to Canada, clothed with extraordinary powers. He was given a very free hand to adopt such measures as were necessary to restore tranquillity, and to report upon the most effective means of governing the colony for the future. But though his powers were wider than those of any governor since Dorchester, he managed to travel beyond them, involving himself and the home government in a very awkward dilemma. The Opposition taking full advantage of this, Lord Durham's recall was rendered inevitable, after a meteoric course of some five months.

This is not the place to discuss the authorship of Lord Durham's Report, but a study of it, in the light of the documents from the conquest down to the time of its appearance, shows that those who prepared the materials for it, as the result of those "various and extensive inquiries into the institutions and administration of these provinces" which Lord Durham had set on foot, had carefully gone over the history of their subject. They were evidently familiar not only with the leading public docu-

ments, whether printed or in manuscript, but had apparently gone over much private and confidential correspondence which has only quite recently been opened to general research. In addition they had taken much pains to obtain from the most representative persons the various views and policies entertained by different sections of Canadian opinion.

As was to be expected, each party in Canada accepted as just and enlightened those portions of the Report which dealt favourably with their views and aspirations, but were inclined to regard the more unfavourable criticisms as largely due to false information or as the fruits of groundless prejudice. Although originality and novelty seemed to many to be striking features of Lord Durham's Report, yet in reality there is very little in it which is not found in previous reports or elsewhere. It is in fact one of its strongest features that it adhered closely to the facts as they had been carefully ascertained in the past, or as they were to be discovered at the time by any open-eyed and fair-minded investigator, seeking only to make a survey of the actual crisis and of the historic conditions which led up to it. It is this unprejudiced attitude towards the whole Canadian problem as an absorbingly interesting historic experiment in practical politics, which gives to the Durham Report its freshness and vitality.

The first portion of it is devoted to the problem of Lower Canada, in which is brought out the folly

of the earlier British governors who, on plausible but shortsighted grounds, turned aside the first normal movement towards a unified British colony. In its present English sections, it is true, this would have been much more thoroughly penetrated with the French-Canadian institutions than it is to-day, but still in a blended harmony with the British system of public law and government, as in the original Dutch colony of New York, or the more modern state of Louisiana. But, the mistake once made by the introduction of the Quebec Act, the Report demonstrates, with ample detail and from every line of approach, that, without attempting to change the foundation lines of the old policy, a new one was attempted to be engrafted upon it. This policy was doomed to utter failure and to ensure an ultimate conflict of races. Now that the conflict had issued in physical violence, the English element demanded that the struggle of rival races be ended, and that, as the obvious future of the continent was an Anglo-Saxon one, this must be recognized in policy as well as in fact. "Lower Canada must be English, at the expense, if necessary, of not being British."

The next important question taken up by the Report was the defective constitutional system, as revealed in both provinces by the friction and periodic deadlock developed between the different sections of the legislature and with the executive government. It demonstrated the impossibility of working an assembly which could not directly affect

the executive, and the futility of attempting to secure harmonious and acceptable government where the executive was completely removed from popular control and from all opportunity for explaining or justifying its actions before the representatives of the people. It was also shown that the members of the executive government held a vested interest in their offices, to the extent of expecting full compensation for removal or readjustment, and that class privilege was so highly developed as to be regarded as an indispensable bulwark of British supremacy and Canadian loyalty. The natural consequences of this condition of affairs were revealed in the experience of the Canadas, where a lack of responsibility and efficiency was shown in every department of government, the legislature as well as the executive, the assembly as well as the council. The outcome of this part of the investigation was the advocacy of a form of mutual responsibility as between the different factors of the government, so that they should be required to act in harmony, rendering it impossible for one to fall permanently out of touch with the other.

Among the other important features of Canadian government touched upon with more or less detail, was the lack of municipal institutions to take charge of the details of local administration and to familiarize the people with the essentials of responsible government. The provincial finances of necessity received special attention; in Upper Canada in par-

ticular they had fallen into hopeless confusion, alike as to the sources of revenue and its administration and expenditure. There was a chronic interprovincial dispute also, relative to the proportion of revenue due to each province from the proceeds of the customs duties levied in Lower Canada, and also as to the relative obligations of the two provinces towards improving the system of water communication by way of the St. Lawrence route, the great commercial highway of both provinces.

The vexed question of the Clergy Reserves was also dealt with, though the conclusion reached was not very favourable to the idea of an endowed national church as a bulwark of monarchy. The Report advocated that the revenues from these lands should be placed at the disposal of the legislature of each province. It was implied also that the revenue had better be devoted to the advancement of intellectual culture, rather than to the fostering of unchristian church rivalry.

The backward progress of the Canadas and of the Maritime Provinces was dealt with at considerable length, and a striking contrast was drawn between the Canadian and American sides of the boundary line as regards commercial enterprise, the development of natural resources, and the attraction of capital and population, especially from the British Islands. In Canada, however, this was a subject as painful as it was obvious, and those who were represented as chiefly responsible for the con-

dition of the Canadas resented the comparison as utterly unpatriotic, and as evincing republican and anti-British sympathies. Other matters dealt with at considerable length, in connection with the economic difficulties of the Canadas, were immigration, land-granting and land-jobbing generally.

Finally, as a means of putting an end to a system which had resulted in the present crisis, and as the beginning of improved racial conditions, though unfortunately at a very late date and requiring many years to remedy the evils already rooted in the colony, the reunion of the provinces was strongly advocated, but on such a basis that the French-Canadians should be prevented from commanding the majority of the votes in the united legislature. For the French-Canadians were to be given to understand, once and for all, that their dream of an independent nationality was impossible, and that in a thorough union with the Anglo-Saxon element their whole future was bound up. In this united country they must look for a larger field in which their talents might have freer scope than would ever have been possible in the narrower and more uncertain range of an independent French dominion.

When Lord Durham's Report was published, though naturally unpalatable to the French-Canadians, for a time at least, it was scarcely other than was to be anticipated after the late crisis which had resulted in the suspension of representa-

tive government in Lower Canada. There was therefore but little discussion of it on the part of the French. The English element in Lower Canada were so satisfied with its general conclusions, and especially with the recommendation of the reunion of the provinces, which was expected to redeem them from bondage, political and economic, that they passed over in silence, and many of them doubtless with a consciousness of their essential truth, the criticisms passed upon the objectionable constitutional methods employed by the legislative and executive councils in Lower Canada. As a matter of fact, many of the most abnormal uses made of both assembly and council in Lower Canada were but the natural and inevitable expression of the radical racial struggle there.

In Upper Canada, however, the party of loyalty, who were in their own eyes and in those of their friends the representatives of British authority and the defenders of the country against republicanism and rebellion, found their methods and system severely criticized, and their principles of government declared impossible of continuance. It is true that the methods of their opponents were as unsparingly criticized, and were shown to be equally impossible; but the central principles which they advocated, though with some confusion of ideas, were regarded as looking in the right direction, and pointing the way towards a more stable and workable form of government. To the champions

of prerogative the Report brought dismay, followed by anger and denunciation and the now familiar representation of the home government as itself tainted with disloyalty when its policy may not happen to harmonize with this or that colonial party which has made its particular interests the touchstone of imperial principles, and has assumed loyalty as one of its party cries. The favourite amusement of the baser sort of Loyalists in Upper Canada was to burn in effigy those members of the imperial cabinet who were suspected of being disloyal to the Family Compact's conception of imperialism.

The party of reform, struggling to dissociate themselves from the few misguided enthusiasts who had endeavoured to excite the people to rebellion in the name of reform, hailed Lord Durham's Report with unqualified delight. The criticisms of the Report on the crude methods of Reformers in conducting practical politics, and in their lack of appreciation of what organized government of the British type involved, were lost in their joy at finding both the methods and principles of the Family Compact condemned, and the central principles for which they had contended, however blindly, recognized as in essence correct. Their spirits revived; Lord Durham's Report became their Bible, with its golden texts from which they preached, often with no very refined exegesis, the gospel of responsible government. Those who accepted the policy

of the Durham Report were known by their opponents as Durhamites, with various *aliases* such as rebels, republicans, Yankees, traitors, with a long and frequently picturesque line of qualifying epithets not at all of a flattering nature. The Reformers replied in kind, and the Family Compact and their supporters had quite as many *aliases* with suitable qualifying terms, suggestive of corruption, tyranny, and oppression. Increasing torrents of mingled argument, declamation, and abuse being brought forth and finding a ready demand, the newspapers multiplied under the stimulus of the controversy.

The Compact party found it highly necessary to make a formal reply to Durham's Report, as the very citadel of their enemies. This was accomplished through the medium of two reports, one from a select committee of the House of Assembly of Upper Canada on the state of the provinces, the other a report of the select committee of the legislative council on Lord Durham's Report. These are very interesting documents, and show that, whatever the defects of the Family Compact, its representative members were certainly not lacking in ability. In the report from the assembly much space is devoted to a detailed recital of the depredations committed by escaped rebels from Canada, and by the various groups of sympathizers on the American side of the border. These are adroitly used to give colour to the attitude of the whole American people and their government. Altogether they painted a most un-

flattering picture of the people of the United States and their republican institutions, which are represented as exciting feelings of disgust in all right-minded Englishmen. This recital is employed to exalt the devotion of those who have saved Canada from the clutches of such an enemy, and who are made to suffer outrage and aggression solely because of their loyalty to their country. They served also to offset that contrast, unfavourable to Canada as compared with the United States, which was presented in Lord Durham's Report, and which they endeavoured to represent as an unwarrantable slur upon the mass of the Canadian people. Incidentally, too, the respectable people of the province, who are the vast majority of course, are represented as supporters of the views and feelings of the critics of Lord Durham and his Report.

Having painted such a dark picture of republican institutions and of their debasing effect upon human nature, what must be the character of any misguided Canadian who should look with a favourable eye upon that particular form of republicanism known as responsible government? When they have occasion to refer to Mr. Buller, Lord Durham's chief secretary, whom they evidently regard as the chief author of the Report, he is represented as a believer in republican institutions, an American sympathizer, and an advocate of anti-British and anti-monarchical principles. It requires no further argument, therefore, to prove his base-

ness and the lost character of any who should favour his views.

In their specific criticism of the Report, they represent the disappointment with which the loyal portion of the Canadian population learned of the selection of Lord Durham for the critical mission entrusted to him. He was known to be too favourable to those political views which alone had brought upon Canada all its misfortunes, but, as we have said, their chief compliments are paid to Mr. Buller, the open advocate of the views of Papineau and Mackenzie. They excuse themselves from going into details on many of the most essential features in the Report; they will merely take up typical features. They do not object to being represented as the party of wealth, power, land grants, government offices, and all other good things, but express surprise that these possessions should not be taken as *prima facie* evidence that they are the very people who ought to be in power. Assuming that the faction designated the Family Compact was supported by the great majority of the people of Upper Canada, they claimed that it was highly improper to represent "the great body of the people of the country as a 'Compact,'" and solemnly proceed to show that the chief office-holders in the executive government were not specially connected through hereditary descent. They even endeavoured to make common cause with the Reformers against the Durham Report, indicating that the latter were

not treated with proper courtesy, inasmuch as they, too, came under certain criticisms, their ranks being represented as containing some who have a leaning towards the institutions of the United States rather than those of the Mother Country.

Altogether the reply was a very adroit performance, and though it does not appear to have checked the cause of reform very much, yet it brought comfort to many of the faithful to whom Lord Durham's Report came as a most disconcerting blow in their hour of triumph. As regarded the specific recommendations of the Report with reference to the future government of the Canadas, they touched upon two points only, the legislative union of the provinces, and the responsibility of the officers of government to the legislature. The first they were prepared to accept under certain special conditions which will be referred to later. But the second was regarded as "inconsistent with the dependence of these provinces as colonies upon the Mother Country."

The report from the legislative council was much briefer than that from the assembly, but expressed practically the same sentiments. The criticism is of the same character, deals with much the same points, and is delivered in the same strain. The accuracy of the Report is first assailed as to certain details of fact and inference, and then, with a wide sweep of the arm, these defects are communicated to the whole body of the Report. Passing over, as in the

case of the assembly's report, the question of the Clergy Reserves, they devote special attention to the subject of responsible government, as most nearly affecting those in control of the provincial government. They admit it to be a very natural inference that the system of government in the Mother Country might be extended to all the British dominions, but they regard it as practically impossible to preserve the colonial relations on such a basis. They are convinced that Lord Durham's plan "must lead to the overthrow of the great colonial empire of England." Their contrast between the principles of the existing system and that which Lord Durham would introduce is thus expressed:—

"According to the present system, the governor of a colony exercises most of the royal functions, under the general direction of the ministers of the Crown; he is strictly accountable for his conduct, and for the use he makes of the royal authority; he recommends for office persons in the colony, or appoints those selected by the minister; and he endeavours to conduct his government according to the policy of the imperial cabinet, with a view to the present prosperity and future greatness of a country in which England has a deep interest; and above all things, with the intention of preserving, against all opposition, the unity of the empire. . . .

"According to the system proposed by the Earl of Durham, the advisers of the lieutenant-governor

would not be officers who, in accordance with the policy of the home government, endeavour to aid the lieutenant-governor in conciliating the affections of the people; but they must be the creatures of the prevailing faction or party in the assembly, advising the governor altogether with a view to the wishes of the House for the moment, regardless of the opinions of the supreme parliament or those of the imperial cabinet, and having (though nominally subordinate) the power of forcing all their measures upon the governor.

"The colonial governor must, in this case, be left without discretion or responsibility, and follow whatever changes may occur; in his colony he could take no directions from the minister of the Crown, nor, indeed, communicate with the supreme government, unless in the terms dictated by his responsible advisers, to whose directions he must submit far more completely than the sovereign to the advice of the cabinet. . . .

"Either this must be the course pursued by a governor, with responsible advisers, or he must think for himself, independently of those advisers; and, as a matter of course, throw himself for information and advice upon irregular and unknown sources. In such an event, the responsible advisers resign; they have, perhaps, a majority in the provincial parliament, but they may, notwithstanding, be very wrong. Then comes a dissolution of the provincial parliament, and, perhaps, an ex-

pression of public opinion, by a bare majority, against the government, and probably inimical to the interests of the empire. Who, then, is to yield? The government must, in fact, retire from the contest, whether right or wrong, or carry on public affairs without any advisers or public officers.

"This cannot be done; so that, after all, the governor of the colony must be responsible to the prevailing party in the colony; and, so far as empire is concerned, he becomes the sovereign of an independent realm, having no discretion, and therefore no responsibility.

"Under such a system, colonial dependence would practically be at end."

This is undoubtedly a very clever presentation of the central difficulties to be met with in introducing a system of responsible government. In the light of what has actually happened it may be said to be technically correct, and yet in practice untrue. Undoubtedly, if formally specified and consciously introduced at one stroke, as was no doubt contemplated by the more ambitious advocates of responsible government, it would have been impossible to preserve the colonial relationship. But we have never even yet had responsible government on those terms. There has never yet been a specification as to where the line is to be drawn between the authority of the home government and the independence of the colonial government. It was, as we shall see, one of

Lord Sydenham's chief triumphs that at the one period in our history when there was a temptation to draw such a line under persistent questioning, he managed to introduce the essence of responsible government without being forced to draw the line. Time was required and the exercise of much tact in so arranging the transition that while responsible government was being developed, and the necessary changes in the Canadian administrative system were being effected, a new and informal bond expressive of the spirit rather than the letter of the imperial relation should have time and opportunity for development. This gradual growth of a new body of tradition and unwritten custom of the constitution had to proceed some distance before the existing harmony between the monarchical institution of the sovereign and the democratic institution of the Canadian cabinet could be brought into working harmony. This form of government is demonstrably impossible, according to every *a priori* principle of law and politics, before it actually takes shape. In Canada, therefore, the Family Compact had little difficulty in theoretically demonstrating, as above, the impossibility of the co-existence of responsible government and the preservation of the ties of empire with the Mother Country. Naturally, the advocates of responsible government had as little, few of them indeed as much, insight into what was involved in their policy as regards British connection as the members of the Family Compact, for

the latter had much more carefully studied that aspect of the matter.

The more ardent advocates of responsible government looked to it chiefly for the accomplishment of a practical policy of executive government, under which only those could be retained in office who could command the confidence of a majority of the assembly. At the time of Lord Durham's Report they were much more anxious to be able to drive certain individuals out of office than to determine the niceties of the principles upon which their successors should hold office, or what relation they should bear to the governor-general and the home government.

Lord Durham's Report had declared that not a single prerogative of the Crown was to be impaired. On the contrary, several prerogatives not hitherto exercised were to be brought into effect, as was indeed accomplished by Lord Sydenham. On the other hand, the Crown must consent to carry on the government by means of those in whom the representative body in the legislature has confidence. If this were simply a matter of persons, there would of course be little difficulty. The Crown, we may suppose, has determined on a certain policy involving the exercise of certain prerogatives. If the only question were, is this line of policy to be carried out, and are these prerogatives to be exercised through the medium of persons in whom the representative body has confidence, or through those in

whom it has not confidence, then the answer furnished by Lord Durham's Report is clear and distinct. The policy must be carried out, and the prerogatives exercised by those in whom the representative body has confidence, whether *personæ gratæ* to the Crown or not. Now it must be admitted that this was the chief problem for the time being. But if the question should arise, as undoubtedly it must and actually did arise, what is to happen if there is a difference of opinion between the home government and the colonial legislature as to concrete measures or a line of policy? Then we have a question of measures and not of persons. The real difficulty to be faced is that the representative body in the colony will have confidence only in those ministers who refuse, when necessary, to accept the policy of the Crown, or to permit the exercise of objectionable prerogatives. For this situation it must be confessed that Lord Durham's Report does not offer a specific solution; it simply vaguely appeals to the practice in England, and claims that it may be exercised in the colonies as well. But the British king and government are not constitutionally required to act in harmony with the policy and prerogatives of any ulterior power, whereas the government of Canada was assumed by Lord Durham's Report to be under this restriction. It was plain, therefore, that on these terms the general reference to the English principles did not fully meet the Canadian conditions. Tech-

nically the Report was certainly open to this criticism, and there was as yet no adequate reply forthcoming to the dilemma skilfully presented by the legislative council. The speeches and articles of the advocates of responsible government who took Lord Durham's Report as their gospel, got no further than the Report itself in their efforts to clear up this difficulty. One and all fall back upon the parallel between the governments of Canada and Britain, and the necessity for a universal application of the British constitution to all parts of the British empire.

The Montreal *Gazette*, the able exponent of the views of the English element which had held the ascendency in the executive and legislative councils in Lower Canada, and which was strongly in favour of the reunion of the provinces but opposed to responsible government, was particularly clear on the subject of the many difficulties involved in the formal acceptance of the principle of responsible government. It defied any of the persons or papers in favour of this principle, from Lord Durham to the Toronto *Examiner* (Mr. Hincks's paper), to say what it was that they meant by responsible government, and declared that they either did not know or dared not say. Indeed, in the vast majority of cases it was quite obvious that they did not know. But it might be reasonably supposed in the case of a few men, such as Francis Hincks and Joseph Howe, whose papers, the *Examiner* of Toronto and

the *Nova Scotian* of Halifax, gave much the ablest presentations of the principle of responsible government, that they did not quite care to declare all that was latent in the principle.

Obviously, here was an issue which required a practical, rather than a theoretic, solution. It has not to this day received a theoretic solution, as witness the long list of failures which have been and are still being produced in the attempt. So peculiar was the problem that, as in the case of the British constitution itself, those who were chiefly instrumental in furnishing a working solution were the least ready to furnish a theoretic statement of it. As we shall see, it was left to Lord John Russell and Lord Sydenham to present a practical solution for Canada by a more adequate expression of what was involved in practice in the British system as advocated by Lord Durham's Report.

## CHAPTER VIII

### A TANGLED PROBLEM

AFTER the recall of Lieutenant-Governor Sir F. B. Head, who, with the narrowest and most irreproachable logic, followed the theory of the Family Compact as to the relation of the colonial to the imperial government, Sir George Arthur was appointed lieutenant-governor of Upper Canada. As a man of practical wisdom and business training he was much superior to Lieutenant-Governor Head, and under more fortunate circumstances would doubtless have proved a fairly efficient, though somewhat timid, governor. But, as he was himself anxious to prove on the arrival of the new governor-general, he had followed faithfully in the steps of his predecessor, understanding that to be the wish of the colonial office. He considered it his chief duty to maintain peace in the colony, and re-establish the situation which existed before the crisis. Everything tended therefore to render him a typical victim of the atmosphere furnished for him by the Compact party. In all his public utterances he breathed only the sentiments expressed in the two replies to Lord Durham's Report above referred to.

Sir George Arthur had already written to the home government, in May, 1839, one of those naïve

and almost pathetic despatches which he penned during that year. In this he points out the very awkward position in which the Durham Report has placed him. He claims to have received from Lord Glenelg, before leaving England, a personal assurance that the line adopted by Sir F. B. Head had been satisfactory to the home government, and an intimation that he should follow the same policy. This he admits that he carefully did, allying himself with the Compact party, the friends of Head, and following their lead. Great excitement had prevailed throughout the province. Several individuals, he admits, were arrested upon very slight evidence and treated as traitors. He himself had been as lenient as possible, but then it was necessary to be severe on the rebels, otherwise he would have incurred "the dangerous resentment of the Loyalists." Howe's paper, the *Nova Scotian*, remarked upon the highly indecent and bloodthirsty spirit displayed in the editorials of the Tory papers in their demands for the blood of every merely suspected rebel. But, the lieutenant-governor continues, Lord Durham's Report had harshly criticized the party of loyalty, and found justification for many of the grievances complained of by the Reformers, or Republicans. He, on the contrary, had taken every opportunity in public and in private to praise the party of loyalty, and to severely lecture the other party for the evils which they had so unwarrantably brought upon the country, until

he had reason to believe that the latter were, for the most part, in a properly contrite spirit. It must be obvious, therefore, what a revulsion of feeling had been caused by those parts of the Durham Report to which he has referred. He will not deny that there may be considerable truth in them, but it was a great mistake to permit those portions of the Report to be published.

Sir John Colborne, the able commander of the forces in Canada, who had preceded Head as lieutenant-governor in Upper Canada and also Lord Durham as governor-in-chief in Lower Canada, had again succeeded to Lord Durham's powers on his dramatic departure from the country. Colborne was a man of strong individuality and thorough independence of character. Essentially of the old school in colonial politics, and trained for military rather than for civil government, he had nevertheless acquired much valuable experience in Canada, and his counsel was highly valued by both Lord Sydenham and Sir Charles Bagot.

After the suppression of the first outbreak of rebellion in Lower Canada the English element with one voice maintained that it must never again be in the power of the French-Canadians to obstruct the normal progress of Canada, or to cherish the vain ambition that they might separate the province of Lower Canada from British connection and set up an independent French nationality. To secure this purpose without an indefinite suspension of repre-

sentative government, the reunion of the Canadas was proposed, on such a basis as would place the French-Canadians in a minority in the legislature. To promote the advocacy of this policy in Lower Canada, and to secure the consent and co-operation of the people of Upper Canada for its accomplishment, were the chief purposes of the Constitutional Associations of Quebec and Montreal, with branches in other centres. This movement was promoted by the leading citizens and commercial men of these cities, prominent among whom were Hon. George Moffat, Hon. Peter McGill, William Badgeley, Andrew Stuart, and J. Forsythe. They had very fully presented their arguments before Lord Durham and his chief secretary Charles Buller, arguing in favour of the reunion of the Canadas and against the expediency of attempting to secure a union of all the British North American provinces. Special difficulties in the way of the latter were likely, they foresaw, to postpone any union for some time, while the Canadian crisis demanded prompt action. The Hon. George Moffat was delegated to promote the cause in Upper Canada. They sent a delegation to Britain also to urge the measure on the home government, and to present petitions to the queen and both Houses of Parliament in favour of it. The home government was doubtless fully as much influenced by the representations of the leading business men of the Canadas, backed by their London correspon-

dents, as by the recommendations of the Durham Report.

The policy of the reunion of the Canadas was favourably regarded by the general body of the people of Upper Canada, chiefly, however, on economic grounds, as promising for their commerce a free intercourse with the world. In February, 1838, the assembly had passed a series of resolutions attributing the chief cause of the evils under which the Canadas were suffering to the unwise division of the colony into two provinces, and had framed an address praying for their reunion. The council did not approve of the resolutions, for the reunion was not at all popular with the official element in Upper Canada, who, while recognizing that it presented some advantages for the province as a whole, also recognized that it was likely to disturb their official positions and their hold upon the administration of the government. A united province would doubtless furnish a wider field for political ambition, but who could tell whether that larger life might not be for others. Then, if the capital should be located elsewhere, even should they still be fortunate enough to follow it, what would become of their local investments and their numerous subsidiary methods of augmenting their incomes? These were serious questions which tended to make cowards of the bravest officials, hence they decided to enjoy the benefits they had rather than seek for others that they knew not of. They therefore discouraged the

union project, and so, in consequence, did Sir George Arthur. But the latter, recognizing from the drift of discussion in England that the home government was likely to favour union, began to hedge by declaring that whatever decision was ultimately adopted by the home government must be loyally accepted by the colonies.

The assembly, being largely under the influence of the prevailing element in the council, endeavoured to meet its wishes. On the 27th of March they presented a new set of resolutions, the preamble to which was as follows: "That in reference to the resolutions of this House upon the subject of a legislative union of the provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions as embodied in the following resolutions be fully carried out in any Act to be passed by the imperial legislature for that purpose." The resolutions which followed stipulated that the seat of government should be in Upper Canada; that the eastern or Gaspè portion of Lower Canada be joined to New Brunswick; that the qualification for members of the assembly and council be fixed in the Act of Union; that it should not make void any of the appointments of the present legislative council, while future appointments should safeguard the commercial, agricultural, and other interests of the province; that the number of members in the assembly should consist of fifty from Lower Canada, and from Upper Canada

of its existing quota; that the elective franchise in counties be confined to those who hold their lands in free and common socage, from and after a given date not later than 1845, the imperial parliament to facilitate the change of tenures in Lower Canada so as to permit of the free exercise of the franchise; that there be a readjustment of the electoral divisions of Lower Canada; that the English language be employed in the legislature, courts, etc.; that courts of appeal and impeachment be established; that the surplus revenue of the post-office, and all other branches of revenue be placed under the control of the legislature; that the debt of both provinces be chargeable upon the joint revenue; that the legislature have control over customs duties, subject to the restrictions of the 42nd section of the Constitutional Act of 1791; and that, with the above exceptions, the Constitutional Act remain inviolate. But even this carefully guarded form of union did not prove wholly acceptable to the majority of the council. It was rejected by a vote of ten to eight, the council reaffirming its position as elaborately laid down in the report on the state of the province and the address to the Queen of February 13th and 28th, 1838, in which they maintained that the system under which the colonies were being administered was the only admissible one. If, as they said, the home government had only been firmer in maintaining this instead of weakly granting concessions to the agitators in Upper and

Lower Canada, there would be no trouble in the colony at present. To revert to the former system was the only reasonable policy.

A number of the official class, as an alternative to the union of the two provinces, were inclined to revert to the older view of imperial federation advocated before the American revolution, and at various intervals afterwards. This view was expressed in several pamphlets of the time, and was voiced by Attorney-General Hagerman in the House of Assembly during the debate on the resolutions. His plan was to erect the combined British North American provinces into a kingdom, such as Ireland, to be governed in a similar manner. In other words, the British North American provinces, instead of having any local legislatures to breed troubles, would send a certain number of members to the British House of Commons, while the administration of the colonies would be carried on through the medium of a viceroy and permanent officials, as in the case of Ireland. This he considered would obviate the more serious objections to the present system. By removing the provincial barriers to trade and intercourse it would permit of the general development of public works, promote immigration, and secure the only form of responsible government which was at all admissible.

It was quite obvious that the Canadian situation was in a very tangled condition, and that, in addition to the multitude of minor differences between the

members of the various groups, the chief divisions of the population were entirely at cross-purposes as regards the two great issues, the reunion and responsible government. The French-Canadians generally strongly favoured responsible government, but were equally strongly opposed to the union; the English element in Lower Canada were the most active advocates of union, but were strongly opposed to responsible government. The Compact party in Upper Canada were opposed to union, except as a last resort and under numerous safeguards, and they were uncompromisingly opposed to responsible government; while the reform element in Upper Canada were more favourable to union, as relieving the Upper Province from many financial and commercial disabilities, and were altogether in favour of responsible government. Obviously the home government in deciding its policy, and in selecting the governor-general to be sent out to bring it into operation, would have to reach their decisions mainly on the basis of their own best judgment.

At the time of Lord Sydenham's appointment; the general decision of the British ministry as to the future of the Canadas was expressed by Lord John Russell in his speech of June 3rd, 1839. Following the royal message of a month previous, he declared that "it is now my duty, as a minister of the Crown, to call upon parliament to lay the foundation for a permanent settlement of the affairs of Canada." After referring to the unfortunate ter-

mination of the mission of Lord Durham, and indicating that the time for any further reporting on the condition and government of the country had passed, he said it was necessary to declare their permanent policy as to the future government of the country. The chief source of trouble in Canada had been the unwise policy of determining to preserve intact the French institutions, and on this ground separating the province into two parts, with the inevitable result that the French province of Lower Canada tended to frustrate the commercial development of the Upper Province by blocking communications with the sea. But further, as it was impossible to prevent the development of English communities in Lower Canada, there was ensured a conflict between the races. The chief features in the progress of the conflict were traced, and the conduct of both parties was shown to have been unjustifiable on constitutional grounds, but natural and inevitable on account of the original mistake of the British government. When, however, the home government showed an inclination to heed the complaints of the popular party in Lower Canada, they were met with greatly increased demands, "demands which in fact would, if granted, have established under the name of a British province, an independent French colony in Lower Canada." The demands of the assembly being refused, the supplies were withheld, but, so far as needed for the maintenance of the executive government, these

were furnished by the British treasury. This further exasperated the French-Canadians, some of whom proceeded to such lengths that warrants were issued for their arrest on the charge of high treason. They left the country, and rebellion was precipitated, the constitution of Lower Canada suspended, and Lord Durham sent out.

The original mistake, then, was that which led to the division of Quebec province. The primary remedy to be applied, therefore, seemed to be the reunion of the provinces. But, before considering that, he passed in review other proposals urged in some respectable quarters and which had been seriously considered. First there was the suggestion to govern Lower Canada indefinitely under a governor and special council. But this seemed so repugnant to the feelings of the American continent that it would be sure to perpetuate discontent among both races. Neither was it considered feasible to adopt the policy of uniting the district of Montreal to Upper Canada, leaving the rest of Lower Canada to be governed as before. That would only very partially relieve the commercial difficulties of Upper Canada, while it would leave the same troubles as before to be faced in the rest of Lower Canada, and after past experience that must be regarded as impossible. Still another proposal was that for the union of all the provinces of British North America, each with a separate assembly, and with one supreme legislature over all. Before Lord Durham went out

to Canada he had consulted Sir James Kempt, who had pointed out that from the very irregular and defective means of communication between the Maritime Provinces and the Canadas it was not at all practicable. However, after considering all the proposals, Lord Durham went out very much impressed with the scheme for a general union of all the provinces; but after a full conference with persons representing all the colonies he had abandoned the project, and recommended the union of the Canadas alone. This then seemed to be at the time the only practicable solution. Lord John Russell did not, however, consider it wise to specify any given number of representatives for Upper or Lower Canada, nor was it a sound principle to say that population alone should determine representation. He considered that 1842 would be sufficiently early for the calling of the first united legislature. He then passed on to consider some of the detailed recommendations of Lord Durham's Report. He favoured his general policy with reference to the establishment of municipal government, did not believe in an elective council, but held that the parties appointed to the legislative council should previously have been members of the assembly, or held other important positions in the colony. He was willing that the Crown revenues should be placed entirely at the disposal of the assembly, subject to a permanent provision for the civil list. He then went into the question of re-

sponsible government at considerable length, indicating a large measure of concession. "It seems to me as much a rule of sense as of generosity, that there are some questions on which it would not be desirable that, on the opinion of the Secretary of State for the Colonies, the opinion of the House of Assembly should be put aside," hence the opinions of the assembly should be treated with every respect. "But I am not prepared to lay down a principle, a new principle, for the future government of the colonies, that we ought to subject the executive there to the same restrictions as prevail in this country."

Referring to the numerous petitions and representations received from different bodies in Canada on the subject of the union, he mentioned the resolutions of the legislature of Upper Canada which had just been received that day, and in which they insisted upon conditions and terms which could not, in his opinion, be reasonably or fairly granted. He also referred to the reports of the assembly and council of Upper Canada on Lord Durham's Report, and their claim that they should be heard before anything final was determined upon with reference to the future of the colony. In deference to these opinions he did not propose to settle the details immediately. If the resolutions he has to propose are accepted, he will introduce a bill, but it will not be proceeded with until the Canadians have had an opportunity to express their views

upon the measure. He recognized also that whatever policy was adopted with reference to Canada would naturally affect Nova Scotia and New Brunswick. The resolutions which he presented were as follows: (1) "That it is the opinion of this House that it is expedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the united provinces." (2) "That it is expedient to continue till 1842 the powers vested in the governor and special council of Lower Canada by the Act of last session, with such alteration of these powers as may be deemed advisable."

In the debate which followed, Mr. Hume, the Radical M.P. and correspondent of Mackenzie, objected very strongly to leaving matters in suspense till 1842. What the people of Canada wanted was a constitution under which they could govern themselves. Sir Robert Peel, on behalf of the Opposition, made a very non-committal statement, mildly criticizing the government for not being ready to go on with the details of their policy. Mr. Charles Buller was glad the government had adopted the principle of the union of the Canadas, but would have preferred to see them adopt the larger suggestion of Lord Durham's Report, a union of all the provinces. He also regretted that Lord John Russell should have expressed an

opinion adverse to the introduction of responsible government into the colonies. He would not, however, oppose any bill for the union of the Canadas, since such a measure must bring with it in time the practice of responsible government.

After considering more fully the communications from Sir George Arthur and the reports from the assembly and council of Upper Canada, which protested against the settlement of the future of the Canadas without giving to the people of the province an opportunity to be heard on the subject, Lord John Russell announced to the House of Commons that he would withdraw the resolutions with reference to the union of the Canadas and submit a draft bill which would be subject to alteration and amendment at the suggestion of the legislatures of the provinces. He thus indicated his willingness to permit the Canadians, so far as they could agree among themselves, to have a voice in determining their future system of government. This bill, introduced on June 20th, 1839, was entitled, "A Bill for Re-uniting the Provinces of Upper Canada and Lower Canada, and for the Government of the United Provinces." The special features of the bill were, in addition to the union of the provinces, a provision for a system of municipal government by the subdivision of the united provinces into five districts, and the constitution of district councils. Each of these districts again was to be subdivided into nine electoral districts, re-

turning two members each to the provincial parliament. The district of Gaspé and the Islands of Madeleine were to be transferred from the province of Lower Canada to that of New Brunswick. As most of the details of this measure were afterwards altered, under the advice of Lord Sydenham, its characteristic features will be sufficiently indicated in his criticism of the measure.

To bring this draft bill before the Canadian people, to recommend to them its general principles, and to secure the necessary local information for the perfection of its details, and, when sanctioned by the home government, to bring the united legislature into practical operation, and thus launch the new government of the Canadas upon a happier and more stable career, constituted the important though difficult task assigned to the Right Honourable Poulett Thomson when he was selected as Canadian governor.

Meantime, as the result of the publication throughout the country of Lord Durham's Report, there was growing up a new excitement in Upper Canada. Meetings were being held in every quarter for the discussion of the question of responsible government, which was furnishing a real issue for the formation of rival political parties. This naturally caused quite a readjustment of views. Many who had no sympathy with the policy of violence now found that they had in Lord Durham's Report a respectable rallying-point, where

the views of Bidwell and Baldwin were separated from the methods of the ultra-Radicals. Sir George Arthur was very much alarmed at the progress of the responsible government idea. "The question of the union is now very little discussed in Upper Canada;" he reports, "not only Republicans and ultra-Reformers, but some excellent persons of Liberal principles are most clamorous for 'responsible government,' and, strange enough, this is demanded by persons who, in other respects, strongly condemn Lord Durham's Report, as well as the bill that has been sent out, as too democratic, and likely to lead to aspirations which they protest they do not desire, whilst they ask for a measure that must inevitably dissolve the union."

In the latter part of August, 1839, Sir George Arthur took a very public stand in opposition to responsible government. The occasion selected was the formal transmission to him of a set of resolutions adopted at a general meeting of the people of the district of Gore held at Hamilton on July 27th, 1839. Some eight resolutions were passed expressing attachment to the British Crown, but claiming that the report of the committee of the assembly in criticism of Lord Durham's Report did not represent the sentiments of the majority of the people of the province, and expressing entire approval of the Durham Report and its recommendations. They maintained that a speedy carrying out of its recommendations would have a most

beneficial effect upon the province, and particularly "that a responsible government, as recommended in Lord Durham's Report, is the only means of restoring confidence, allaying discontent, or perpetuating the connection between Great Britain and this colony." They desire the dissolution of the present assembly, and pledge themselves to support only such candidates as favour Lord Durham's Report and the union of the Canadas. The meeting appointed a committee to draft an address to the queen based on these resolutions, and to invite co-operation from the other districts of the province. Copies of the resolutions were also to be sent to Lieutenant-Governor Arthur, the colonial secretary, and the Earl of Durham.

Sir George Arthur replied on August 24th. He acknowledged the respectable and representative character of the meeting. Having given the subject of responsible government "the most deliberate consideration," he asserts, both as his own view and, he believes, the view of the home government, that such a proposal would destroy the union between the colony and the Mother Country, and render the former independent. There would be no harmony of policy as there ought to be between the colonial and the British governments. As for himself, he professes special interest in the colony and outlines some improvements which might be made, but repudiates the implication that any special set of persons have an undue influence over

him. The resolutions and the reply were published in full in the official *Gazette*, a copy of which was forwarded to the colonial office. In acknowledging it, Lord John Russell commends the lieutenant-governor's good intentions, but cautions him not to do it again. As we shall see, Arthur's statements were shortly afterwards the occasion of no little embarrassment to himself, when he learned the sentiments of the new governor-general, and even of the colonial office.

## CHAPTER IX

### A NEW TYPE OF GOVERNOR

WE have now seen how numerous and conflicting were the cross-currents of interest and policy which divided the inhabitants of the Canadian provinces. We have seen also what was the general purpose of the home government as to the future administration of the colonies, and from a general survey of the situation we may in some measure realize what a difficult task the new governor had undertaken, and what special qualities of rapid perception, breadth of sympathy, sound judgment, and endless patience and tact would be required to accomplish a working basis for the Canadian government, not to mention an entirely consistent and smoothly operating political system.

It was not until the middle of September, 1839, that the news that Lord John Russell had taken up the colonial office, and that the Right Honourable Poulett Thomson had been appointed as governor-general of British North America, reached Canada. The announcement was received with much doubt even by the Reformers, and with dismay and anger by the English element in Lower Canada and the Compact party in Upper Canada. His free trade principles were particularly distasteful to the commercial element in Quebec and Montreal,

who took their cue largely from their principals in London, most of whom were deeply interested in the Canadian timber trade, which was supported chiefly by heavy British bounties. They were also at that time pressing to have Canadian grain and other produce granted special privileges in the British markets. Further, the new governor's known sympathy with radical principles indicated that he was likely to favour in Canada the advocates of responsible government and other heresies. So alarmed were the British interests connected with Canada that, on learning of the selection made for the Canadian governorship, they petitioned against Mr. Poulett Thomson's appointment.

The Canadian newspapers, as a rule, judged him from the point of view of the matters in which they disagreed with him. In consequence, those of the most opposite parties were disposed to condemn him without a hearing. The French papers were opposed to him because he represented the union policy of the home government and a British future for Canada; those of the English section in Lower Canada were hostile because he was the enemy of the Canadian timber trade, and because he was supposed to favour responsible government; the Compact party in Upper Canada opposed him because of his union policy, his sympathy with responsible government, and his general radical tendencies. The Quebec *Mercury*, though voicing the alarm of the timber trade, expressed the hope

that when he saw the actual condition of trade from the Canadian point of view he would probably be more favourably disposed towards an industry which engaged British capital, labour and shipping. The Montreal *Gazette*, after expressing great regret at the departure of Sir John Colborne, declared that his successor belonged to a party which commanded little respect in Canada. However, as governor, he must receive a certain deference, and be given a fair chance, but it adds this solemn warning, "We promise him that, should he deviate from the stern integrity, the devoted loyalty, the unwearied zeal and strict impartial demeanour of his predecessor, he will have to sustain an opposing force which no authority can repel, no ingenuity avert, no talent subdue." Thus it would appear that there were others besides French-Canadian Nationalists and "Yankee-visaged Reformers" who could make it unpleasant for a British governor who did not happen to conform to their views. The Kingston *Chronicle and Gazette*, one of the more moderate of the organs of the Tory party in Upper Canada, thus refers to the new governor. "Perhaps the most important part of the news to the Canadian reader, is the appointment of the Right Honourable Charles Poulett Thomson as captain-general and governor-in-chief of these provinces. Mr. Thomson, besides being a Whig Radical, has for years been a known opponent to the Canada lumber trade; being himself deeply interested in

the Baltic timber business. His appointment, under these circumstances, cannot be viewed with any great complacency by the loyal portion of this community. He is, however, a man of experience and abilities as a merchant, and his proposed visit across the Atlantic may be the means of dispelling some of his former prejudices, as has been the case with all others under similar circumstances. His Excellency and suite are to come to Quebec in the *Pique* frigate."

The committee of the North American Colonial Association, a London organization which took a special interest in Canadian affairs, through their chairman, R. Ellice, sent an address to the prime minister, Lord Melbourne, expressing their regret at the reported retirement of Sir John Colborne from the Canadas, and stating their conviction that the separation of the civil and military authority would be very dangerous at that time. Finding that the Right Honourable Poulett Thomson is contemplated as his successor, while they have no criticism to make of Mr. Thomson personally, yet they deem it their duty to express "their deliberate conviction that his known opinions on subjects involving the interests of the colonies would necessarily deprive him of their confidence, without which it would be impossible for him to administer the government of the colonies with advantage or safety." In several other quarters more virulently loyal there were even more vigor-

ous expressions of dissatisfaction with the new appointment.

It will be seen that the new governor was not awaited in Canada with the usual confidence by those elements who were wont to find the successive governors prepared by their previous associations to be entirely sympathetic with their views and vested interests, and therefore prepared to fall ready victims to their influence. It was evident that this new type of governor, a civilian, a practical statesman, and a Liberal, was to be severely tested from the day of his arrival.

Though the Reform organs in Canada had said little with reference to the new governor, being uncertain as to his policy, the attacks which he received in the organs of their opponents naturally inclined them to sympathize with him in advance. As time passed, further light came from over the Atlantic. The Montreal *Courier* published an extract from a letter received from an English gentleman interested in Canadian affairs, which had a somewhat reassuring effect.

"I have had an interview with the new governor, who appears anxious to get all the information he can respecting his new government. What I have seen of him promises very fair; he is in favour of the union of the two provinces, seems to think well of the bill introduced into parliament for that purpose; he thinks the colony ought to, and must, be made British, the better to secure its allegiance

to Great Britain; he is anxious that no impressions should go abroad that he brings with him into the government any settled line of politics, or a wish to pursue any course that can be considered inconsistent with the best, or at variance with the British, interests of the country; and hopes to receive the assistance of the well-disposed, the better to attain this object. It is, no doubt, right to give to every man, more particularly to such a high officer as a governor, all due credit for his good intentions, but the surer criterion is to judge by his acts and not by his promises. Mr. Thomson's political creed heretofore, has not been in favour of the colonies, particularly in regard to the timber duties; and being lately a member of the present administration may induce many to stand aloof from him, from an apprehension of his political principles. This, however, would be wrong, and injurious to the very cause we are all interested to promote; he ought, in the outset at least, to receive the countenance and assistance of the valuable part of society, to keep bad advisers from him, if we hope to derive benefit from his administration. There is no doubt that Mr. Thomson's views, in accepting the government of Canada, are to acquire a name that may promote his own advancement; and nothing can do this so effectually as his success in effecting a proper system of government in that country. Mr. Thomson is a man of business habits —he was formerly a partner in a great commercial

house in Russia, and by his talents was promoted to the Board of Trade; and I should hope he will not be backward in promoting the commercial interests of his new government. He leaves this in a few days, and intends to take up his residence at Montreal."

But by far the most interesting and important announcement of the policy of the British government and of the attitude and intentions of the new governor on the eve of his departure for Canada, was given in the *Colonial Gazette* of London, in its issue of September 18th. This appeared three days after the departure of Mr. Poulett Thomson from Liverpool, but, in virtue of the recently established steam service on the Atlantic, reached Canada and was reproduced in all the leading Canadian papers before the governor-general's arrival at Quebec. The claim of the paper that its information was authoritative is completely borne out by the confidential correspondence between the governor and the minister. The interest and value of this article are due to the fact that it is a completely unreserved, even indeed, in parts, an overstated expression of the real attitude of both Russell and Thomson as to the main lines of the policy to be pursued with reference to Canada, a policy which we find was in the main duly carried out, subject only to the minor modifications required by a close study of local conditions undertaken by the governor-general during his residence in the country. It was obviously

impossible, however, for either the minister or the governor to directly or personally express several of the views and features of policy attributed to them by the *Colonial Gazette*. The more important portion of the article is here given:—

"As soon as it was clear that the pelting of the pitiless storm on the head of poor *Pow* would not deter him from proceeding on his mission, we endeavoured to ascertain what line of policy he intended to pursue in Canada as a representative of the imperial government. Our inquires have been successful. We are now able to state the views and purposes with which Mr. Thomson himself has declared that he undertakes this perilous mission. We shall speak at least on *his* authority, he may change his mind, or may want firmness to carry into effect his own deliberate intentions; but that these were, before he left England, such as we shall now describe, we assert with perfect confidence. We shall state only that which we could prove, if necessary, by legal evidence. If our representations are *true*, it is of the highest importance that they should be *believed* by the colonists.

"In the first place, then, according to our information, Mr. Thomson expects a very unfavourable reception in Lower Canada, on account of his known opinions with respect to the timber trade, but hopes to obtain the confidence of the British race in that province as soon as they learn his opinions on other Canadian subjects.

"Secondly, he has been convinced by Lord Durham's Report, despatches, and *conversation*, that French ascendency in Lower Canada is simply impossible, that any attempt to preserve the French-Canadian nationality would not merely fail but would be an act of wickedness, inasmuch as its only effects would be to prolong the agony of a nation which, as such, is doomed to extinction, and to exasperate those bitter national animosities which can never cease till the French shall, as such, be swamped by the legislative union. He is satisfied of the extreme impolicy and cruelty of the vacillating course pursued by successive governments at home, none of which has yet made up its mind on the French and English question in Lower Canada, all of which have hesitated between two opposite opinions, now favouring the French and then the English, but neither long, nor either decidedly; whereby both races have been subjected to innumerable evils, for which the only possible remedy is the establishment of a thoroughly English nationality, with *complete equality* for the French as British subjects. He abjures the principle of ascendency for the numerical majority as utterly impracticable in Lower Canada, because the French race, though the stronger in mere numbers, is the weaker in every other respect; but he upholds the principles of ascendency for the majority with regard to all Canada, where the English predominate in numbers; and he is therefore resolved to promote by all

the means in his power a complete union of the provinces. He rejects the notion, which some few passionate men entertain, of crushing the French by injustice and violence, but adopts without qualification or reserve the plan of swamping the French, once for all, by rendering them a minority in United Canada. In a word, he cordially embraces Lord Durham's opinions on *the* question which concerns Lower Canada.

"Thirdly, as respects the Upper Province, the new governor believes that the evils which afflict that colony have been occasioned by neglect and mismanagement on the part of the imperial government; that the only complete remedy for deep-rooted abuse is the union of Upper Canada with the Lower Province, whereby one powerful colony would become respectable in the eyes both of the authorities at home and of the neighbouring states; that the great majority of the inhabitants of Upper Canada are essentially loyal, and most desirous to maintain the connection with England; that the only traitors in the province are a very small minority, composed of some followers of Mackenzie —foolish and cowardly braggarts, who may be safely despised; and that the worst enemies of the colony are the Family Compact faction, which, therefore, it is most expedient to destroy, root and branch, without an hour's delay.

"Fourthly, with respect to the question of responsible government, Mr. Thomson is of opinion

that no settlement of Canadian affairs can be satisfactory or permanent unless the new colonial government be founded on the principle of representation and also on the principle of admitting the natural *consequence* of representation—namely, the administration of local affairs in constant harmony with the opinions of the majority in the representative body. On this point also, notwithstanding Lord John Russell's declaration against responsible government, *by that name*, Mr. Thomson adopts the views of Lord Durham as put forth in the high commissioner's report. He conceives that representation is a mockery, and a very mischievous mockery too, if the executive is not made responsible to those in whom the people confide. By what special means he would secure this indispensable condition of peace and order under the representative system, we are not informed; but we have reason to conclude that he intends to be guided upon this point by the opinion of the leading men of the British race in both Canadas. He could not resort to any more competent advisers."

The fifth section of the article refers to the determination of the British government, through Russell and Thomson, to settle the future government of Canada during the following session, but to do this subject to maintaining British connection in accordance with the wishes of the most representative colonists themselves. The sixth section refers to the intention of the new governor to give

the Upper Province an opportunity to pronounce on the future government of the colony by dissolving the present legislature. The seventh section refers to the necessity, while the governor is in Upper Canada, of leaving in Lower Canada some one who would adequately represent him there. "His choice, we understand, has fallen upon the present chief-justice of Quebec, Mr. James Stuart; of whom it may be said, without at all disparaging others, that he is the ablest and most statesmanlike person in British North America. He enjoys, more than any other, the confidence of the English race in Lower Canada and more than any other Englishman the confidence of the French, notwithstanding their hatred of him as the leader of the English. As the champion of the English race, the great advocate of the union, the denouncer of official abuses, the first lawyer, one of the greatest proprietors, and the chief functionary of the province, appointed by Lord Durham amid the shouts of applause from the whole British population, Mr. Stuart is the fittest man in Canada to advise any governor-general." The article closes with a rather unflattering forecast as to the firmness of the new governor in carrying out this programme, "While, therefore, we repeat our full conviction that Mr. Thomson is gone to Canada with the opinions and objects which we have here enumerated, let it be distinctly understood that we have little hope of seeing them realized, except

through the united and steadfast determination of the colonists to make use of him as an instrument for the accomplishment of their own ends." How far Mr. Thomson was to refute this last estimate, his short but crowded career in Canada was to prove.

The general formal instructions given to governor-general Thomson were dated September 7th, 1839, and were composed of those given to his predecessors, beginning with Lord Dalhousie in 1820, and including the additional instructions, so far as not repealed, issued to the succeeding governors down to Lord Durham and Sir John Colborne in 1838. At the same time he was given certain additional instructions in consequence of the Act passed in 1839 to amend and enlarge the scope of the Act for "making temporary provision for the government of Lower Canada," and which provided for the giving of a more representative character to the Special Council of Lower Canada, the membership of which was increased to twenty.

In the letter which accompanied these instructions and his commission as governor-general, his friend and late colleague Lord John Russell, now colonial secretary, stated that his special knowledge as a late member of the ministry rendered it unnecessary to go into details with him on the duties of his new office. However, it was necessary for future reference that he should record the intentions of the ministry on the chief points of

Canadian policy, and on which Thomson would be required to co-operate with the minister. The draft bill for the reunion of the Canadas, which had been introduced into the House of Commons, embodied the results of a careful consideration of Lord Durham's Report. It had been delayed, however, in deference to Sir George Arthur's recommendations and the resolutions of the council and assembly of Upper Canada. It will be his duty, therefore, to ascertain the general desire of the province, though the home government is strongly convinced of the wisdom of the central features of that policy. These are, the legislative union of the provinces under terms which will regard the just claims of each province, the maintenance of the three estates, the settlement of a permanent civil list to ensure the independence of the judges and the freedom of the executive officers, and the establishment of a system of local or municipal government. He must, therefore, endeavour to get these principles accepted. In the general administration of the province, however, they will greatly rely upon his judgment and recommendations as based upon a direct study of conditions. If he finds a fair and reasonable spirit in the present assembly of Upper Canada, he may appeal to that; if not, he may dissolve it, and appeal to a new assembly. If union is found quite impracticable, he must present to the home government some practical alternative. He is urged to secure a settlement as quickly as possible, for delay

will foster bitterness. He will evidently be called upon to explain what control the popular branch of the united legislature will have over the executive government, and the tenure of office by its chief officials. It is obviously impossible to give a categorical answer to that question. It must simply be recognized as a working principle that harmony is to be maintained between the legislative and executive branches, and that, therefore, the council must be made up of people who are able to command the confidence of the majority of the inhabitants of the province. The extravagant military plans of fortifications for the defence of the colonies, advocated in the correspondence of Sir John Colborne, are not favoured by the ministry, and will not be carried out, at present at least. As to military matters, however, he will have the advice of Sir Richard Jackson, the commander of the forces, to succeed Sir John Colborne. Lord Durham's Report has shown the unwise policy hitherto pursued in the alienation of the Crown Lands, which might have been used to promote immigration. It is difficult, however, to confiscate these extensive land grants, or to impose a heavy tax on them. This will be an important question to be discussed by the united legislature. With reference to Lower Canada in particular, the increased powers of the Special Council will enable him to do more for that province than any of his predecessors, and this is the more urgent on account of the past

neglect of many highly necessary measures. Chief among these will be the introduction of municipal institutions, in order to provide for elementary local needs and the promotion of general education. In the accomplishment of his purposes he may exercise his power in Upper Canada to any requisite extent, even to superseding Sir George Arthur, though still availing himself of his experience. The remainder of the letter deals with details of financial matters and the fate of reserved bills, some of which will be discussed later.

Here then we have in outline the programme laid out for the new governor, who, in virtue of the confidence reposed in him by his late colleagues, and especially by his friend and immediate superior the colonial secretary, was to enjoy an unusual range of personal discretion, and this in turn would enable him to give a corresponding range to the executive government and the local legislature. Thus was made possible a tentative and experimental introduction of a real measure of responsible government, though among a people up to that time quite unacquainted with the practical working of such a system. A considerable educational process, under a competent instructor, was obviously necessary before the full weight of government could be laid upon any local organization.

Having given such an extensive range of potential power to the governor-general, it was necessary to instruct Sir George Arthur to accommodate him-

self, where necessary, to the exercise of these powers, and to lend his loyal assistance in carrying out the policy of the new governor-general. Accordingly, immediately after giving to Poulett Thomson the comprehensive survey of his duties, powers, and privileges, which has been outlined, the colonial secretary wrote to Sir George Arthur instructing him to put himself in personal communication with the governor-general as soon as possible after his arrival in Canada. He is informed that Poulett Thomson is thoroughly in touch with the views of the home government on the whole range of colonial policy, and is instructed as to the bills of the previous session which had been reserved. He is, therefore, to place his local knowledge and experience at his disposal, and to follow his directions.

## CHAPTER X

### FIRST IMPRESSIONS

IT was on September 13th, after these preliminary arrangements and understandings with the home government, that the new governor-general sailed in the frigate *Pique* from Portsmouth, and after a stormy voyage of thirty-three days reached Quebec on October 17th. In the meantime, as we have seen, he was being very vigorously canvassed in the colonies over which he was coming to preside. We have seen the estimate of his character and the presentation of his views made by well-informed authorities in England. An entry in his journal, while on shipboard, indicates the personal attitude in which he approached the task before him. It shows that he recognized that he was not coming to Canada to be a figurehead, but to be a central force in bringing about the reunion of the provinces, and in reconstructing the political and financial systems. "It is a *great field*, too, if I bring about the union, and stay for a year to meet the united assembly, and set them to work. On the other hand, in England there is little to be done by me. At the Exchequer all that can be hoped is to get through some *bad* tax. There is no chance of carrying the House with one for any great commercial reforms, *timber*, *corn*, *sugar*, etc.; party and

private interests will prevent it. If Peel were in, he might do this, as he could muzzle or keep away his Tory allies, and we should support him.

"On private grounds I think it good too. 'Tis strange, however, that the office which was once my greatest ambition (the Exchequer) should now be so disagreeable to me that I will give up the cabinet and parliament to avoid it. After all, the House of Commons and Manchester are no longer what they were to me. I do not think that I have improved in speaking—rather gone back. Perhaps in Opposition, with time to prepare, I might rally again; but I do not feel sure of it. I am grown rather nervous about it. The interruption and noise which prevail so much in the House *cowes* me. I have certainly made no good speech for two years. It is clear, from what has passed, I might have kept Manchester as long as I liked. But till put to the test by leaving it, one could not help feeling nervous and irritated by constant complaints of not going far enough or going too far. The last years have made a great change in me. My health, I suppose, is at the bottom of it. On the whole I think it is well as it is."

The above extract shows also that the stale and unprofitable condition into which the Whig party had fallen, from too long and too precarious a tenure of office, had proved to him that it was impossible, for the immediate future, to find in British politics an adequate expression for his

personality or his aspirations. In Canada alone did there seem to be such a field, and into it, therefore, he threw himself without backward longing.

After remaining two days on board ship, awaiting the arrival of Sir John Colborne from Montreal, he landed, opened the Royal Commission and was sworn into office on October 19th. On the same day he issued a proclamation announcing his appointment as governor-general and his entrance upon the duties of the office. The spirit in which he intended to discharge his duties as governor-general is thus briefly expressed: "In the exercise of this high trust it will be my desire, no less than my duty, to promote to the utmost of my power the welfare of all classes of Her Majesty's subjects. To reconcile existing differences; to apply a remedy to proved grievances; to extend and protect the trade, and enlarge the resources of the colonies entrusted to my charge; above all, to promote whatever may bind them to the Mother Country by increasing the ties of interest and affection will be my first and most anxious endeavour. In pursuit of these objects I shall ever be ready to listen to the representation of all, while I shall unhesitatingly exercise the powers confided to me to repress disorder, to uphold the law, and to maintain tranquillity."

He recognized the unsatisfactory condition of affairs in Lower Canada, and hoped to be able to

find a means of restoring the constitution. He acknowledged the essential loyalty of the people of Upper Canada, but recognized their financial embarrassment, which hampered trade and provincial development. These defects, however, he hoped to remedy, relying upon the patriotism of the people and the wisdom of the legislature. Finally, he called upon all who have the good of British North America at heart to lay aside all minor differences and co-operate with him in promoting the welfare of the provinces. Altogether it was a simple, candid, and businesslike statement, quite unlike many of the stilted and perfunctory proclamations to which the people of the colonies had been accustomed. The proclamation was awaited with the greatest interest, as the first utterance of a governor of a totally different type from any of his predecessors, and concerning whose personality, views, and motives the liveliest hopes and fears had been aroused. But especially was it felt by every intelligent citizen that the whole future not only of the Canadian provinces, but of British North America, was hanging in the balance, so much depending upon the wisdom and policy of the new governor-general.

On this same day His Excellency was presented with an address by the magistrates of the city and district of Quebec. This was of a very non-committal character, except for the very parochial appeal that the city of Quebec might not be

deprived of the residence of the governor-general, there having been a tendency of late to favour Montreal. This the new governor adroitly met by declaring that it would afford him the sincerest satisfaction to contribute at all times to the prosperity of Quebec, and, when circumstances permitted, to reside within its walls, in order to cultivate the good feeling and regard of its inhabitants. This was only the first of many scores of instances in which all classes of the people were to be charmed with the ability of the governor to turn the most unpromising materials, personages, and conditions to account, in order to ingratiate himself with the Canadian public.

Altogether, the new governor's first day in Canada produced a most favourable impression, and began a revulsion of feeling in his favour which, within a very short time, had removed almost all doubt and distrust as to his personal qualities, and had laid a solid foundation for that great personal popularity which was to be so powerful an influence in mitigating political bitterness, breaking down factious opposition, and promoting those larger political objects to which the governor-general had devoted himself.

On the day of his arrival he despatched a letter to Sir George Arthur transmitting a copy of his commission and instructions, together with a warrant reappointing Sir George as lieutenant-governor of Upper Canada. This despatch met the lieutenant-

governor at Kingston, on his way to Montreal to pay his respects to the new governor-general, as requested by Lord John Russell.

One of the first official acts of Poulett Thomson was the appointment of T. W. Clinton Murdoch, Esq., to be civil secretary of the general government, and of Major George D. Hall to be military secretary and chief aide-de-camp. Mr. Murdoch was a gentleman of exceptional ability, who rapidly acquired a very intimate knowledge of Canadian history and of the actual conditions of the country. His rare capacity for affairs, his sound judgment, indefatigable industry, and admirable tact enabled him to render invaluable assistance to Lord Sydenham during his term of office, and at the earnest solicitation of Sir Charles Bagot he continued as civil secretary during the greater part of his administration.

With characteristic energy, amounting almost to impetuosity, the new governor immediately plunged into the details of Canadian affairs, taking every method and opportunity of making himself intimately acquainted with Canadian conditions. On the twenty-first he held a levee at the Castle St. Louis, which was attended by the principal inhabitants of Quebec and district, without distinction of parties. At the close of this function came the Committee of Trade of Quebec to pay their respects to the new governor, hitherto only known to them as "the enemy of the Canadian timber trade," in

which trade most of them were interested. However, they made the best of it, and being merchants themselves they told him that they saw with pride the government of the country entrusted to one who had himself been a merchant. Notwithstanding that the opinions which he had been understood to entertain with reference to an important branch of the Canadian trade differed materially from their own, they believed that his efforts as governor of the colonies would be directed to the promotion not only of the political, but of the commercial interests, including the timber trade. They recognized the difficulty as well as the importance of the general task before him: to establish a just and steady form of government, to develop the latent resources of the provinces by improving the means of communication, to revive commerce, and to recall to Canada the stream of immigration now diverted elsewhere, and they promised him their co-operation towards the accomplishment of these objects. To this address also he made a felicitous reply, appealing to their pride and fellow-feeling as merchants, soliciting their all-important assistance, and promising the most hearty co-operation in all mutual interests.

The following day he left for Montreal, there to meet Sir George Arthur in conference on the affairs of Upper Canada. He reached Montreal on the twenty-third, and on the twenty-fifth Sir George Arthur arrived. On the twenty-sixth he

received an address from the merchants of the city, to which he made one of his brief but effective replies. With his long training in the intricate details of the Board of Trade, he at once grappled with the tangled problems of Upper Canada. He held numerous conferences with Sir George Arthur, whose breath was rather taken away by the rapidity with which he covered the ground and followed up his conclusions with decisions as to policy.

He found that conditions were sufficiently tranquil in the Lower Province to permit of his leaving it for a few months. In the meantime, he could devote himself to the more immediate object of his mission, in taking up the union question with the Special Council, and on his return from the Upper Province, he would be able to discuss the detailed needs of Lower Canada at greater length.

It had evidently been his intention to dissolve the House of Assembly in Upper Canada, and lay the proposition for a union of the provinces before a House elected specifically on that issue. He found, however, that this would occasion considerable delay. Moreover, the lieutenant-governor was apprehensive lest a new election at that time should be attended with undue excitement, resulting possibly in riots in certain parts of the province. It appeared also that the existing assembly was not opposed to the measure of re-union, though inclined to attach onerous conditions thereto as regards the majority in the Lower Province. But

even should the assembly indicate a tendency to seriously run counter to the general wishes of the people, it was still within the power of the governor to dissolve the House and appeal to the electors. All things considered, therefore, he resolved to proceed to the Upper Province about the middle of November, and before the close of water communication. Accordingly, Sir George Arthur was instructed to return to Toronto and to summon the provincial parliament for December 3rd.

Already the vigorous yet prudent activity displayed by the new governor-general, his obvious desire to acquaint himself with all phases of public opinion, and to reach the most equitable and practicable conclusions, caused him to rise steadily in the general estimation. His movements and his utterances were followed with the keenest interest, and fully chronicled in the leading newspapers of Lower and Upper Canada. There was, of course, a special curiosity as to his attitude on the subject of responsible government. His repeated assertion of his intention to maintain and, if possible, strengthen the connection between Britain and the colonies, reassured the more conservative element, while his known sympathy with the chief recommendations of Lord Durham's Report and his avoidance of any hostile criticism of the advocates of responsible government, gave no occasion to the Reformers to apprehend that he had renounced his Liberal views.

His interviews with Sir George Arthur had caused no little uneasiness in the mind of that outspoken opponent of responsible government. The lieutenant-governor now saw very clearly that the stand which he had lately taken against that heresy, and his known sympathy with the legislative council in its opposition to the union, were no longer to be supported by the chosen representative of the home government. Having promised to assist the governor-general in his various measures in Upper Canada, he began to have visions of himself publicly repudiating his previous utterances, abandoning his friends of the Compact, and, quite generally, performing the unpleasant task of supporting in the name of the home government what he had previously condemned in the name of the same authority. Reflecting upon these things on his way back to Toronto, and doubtless taking counsel with his friends there, he wrote a long letter of explanation to the governor-general, dated November 9th.

After informing the governor that, according to his desire, the provincial parliament had been convened to meet on December 3rd, he took advantage of the occasion to give His Excellency some information on Upper Canadian conditions, and especially as to his personal position before he took over the government of the province. He repeated the statement that he had been instructed at the time of his appointment to follow the policy of his predecessor,

Sir F. B. Head. These directions on the part of the home government he had taken pains to make public, believing that it justified him in "giving every possible encouragement and support to the constitutional party who desired British connection and monarchical institutions under the existing constitution of 1791, in opposition to the Reform party, whom my predecessor considered collectively disloyal and desirous of republican institutions." In following this policy he believed that the condition of the province had been distinctly improving up to the time of the appearance of Lord Durham's Report, and he had hoped among the better disposed Reformers to regain all the ground that had been lost. He saw no hope of reconciling the American party or those Reformers who had long associated with them in striving for the introduction of republican institutions, under which he evidently included responsible government. But he had hoped to win the moderate Reformers, though without any departure from the principles of the constitutional party, who were, above all things, not to be offended.

As to a union of the provinces, he believed that many who favoured it in 1822, when it failed to carry, had since become opposed to it. He also referred to the joint address of the legislative council and assembly to the late king deprecating the policy of the union, the reply to which had informed him "that the project of a union between

the two provinces has not been contemplated by His Majesty as fit to be recommended for the sanction of parliament." He also stated that Lord Durham himself had on several occasions expressed his decided objection to union. Hence, when consulted about it by members of both Houses, he had always opposed it. He claimed to have taken the precaution, however, to state that it would not be well to be too sure of the course to be taken in England, and that it would be desirable to accept whatever measures were finally determined upon there. He now finds that the home government has adopted a union policy, and that His Excellency has come out to endeavour to carry it into effect. But though he has personally opposed it, he believes from the sentiments he has heard expressed that, as an abstract proposition, it could be carried in Upper Canada, though perhaps not in the form presented in the bill sent out from Britain.

However, the question which has given rise to most discussion since the appearance of Lord Durham's Report is that of responsible government. The Report virtually recommends that the executive council be made responsible to the House of Assembly, and this is almost universally accepted as recommending that form of government contended for even to rebellion by Mackenzie and Papineau. This he maintains has rehabilitated that whole movement, and so-called "Durham meetings" have been held in various parts of the pro-

vince to advocate this policy. Many of these meetings have indeed been very perplexing, because, while warmly supported by the late rebels, they have also been favoured by persons of undoubted loyalty, some of whom have admitted that their object was to exclude eventually Her Majesty's secretary of state from any interference in the local concerns of the province. His own attitude towards the idea of responsible government has been to decidedly discountenance it, considering himself as justified in this attitude by the statements of Lord John Russell and the Marquis of Normanby in the British parliament. He flatters himself also that his course has caused this "dangerous innovation" to lose much of its popularity.

Referring in particular to his reply to the address presented to him as a result of the "Durham meeting" at Hamilton, he presents the usual alternatives as set up at that time by the opponents of responsible government. "A governor, if the Crown allowed him to name his council, would surely for his own peace and success, select persons disposed to work in harmony with the legislature. By the responsible government now sought men want to place the council, in effect, over the governor, and to set aside altogether the influence of the imperial government by rendering the executive government wholly dependent upon the provincial parliament." It might be stated parenthetically that it was just because hitherto no governor had ever

attempted to follow the first alternative that the second was advocated by extreme Reformers. However, after presenting his abstract alternatives, Sir George Arthur proceeds half unconsciously to justify most of the agitation for responsible government. He admits that the cry for reponsibility does not surprise him, for the chaotic condition into which both the executive and legislative councils of the government had fallen left no real responsibility anywhere. "Partly owing to the House of Assembly having taken into its own hands matters purely executive, and partly from other causes, there has been, in reality, in some transactions, no responsibility, and great intricacy exists, and a want of system, in the manner in which the public accounts have been kept, some of the departments have worked most inconveniently to the public, and there are, as it seems to me, no adequate checks over the receipts and disbursements of public money." He had proposed when tranquillity was restored to show by drastic measures of executive reform that an honest and efficient governor could eradicate the evils of the existing conditions and introduce a new "system of government under which all public officers may be made strictly responsible, in every practical and useful sense of the term." In other words, his conception of responsibility was responsibility to a benevolent despotism. But there was apt to be a very uncertain series of despots.

## AN EMBARRASSING POSITION

After referring to the embarrassed condition of the provincial finances and the necessity for developing the resources of the country, and to that end completing the public works already undertaken, Arthur proceeds to sum up the difficulties of the situation in which he finds himself. He considers that it was his special function to provide for the safety of the province, and though that is not altogether insured, still he recognizes that it may be the policy of the British government to make considerable changes in the system of administration. On the principles of the union he had left a way of escape for himself, but on the principle of responsible government he infers from his brief interview with His Excellency that his views are not in accordance with those which he himself has been publicly expressing. This may indeed cause some embarrassment to the new governor, for "it is impossible not to perceive how difficult it must be for Your Excellency to avoid being entangled with past transactions." As regards himself under these new conditions, "Her Majesty's government has placed me in circumstances of very considerable embarrassment, from which I have endeavoured to relieve myself, so far as I can, by this unreserved and detailed explanation." He trusts, therefore, that the governor will not require him to take a course for the future too glaringly inconsistent with that of the past, as it would destroy his influence as an auxiliary in carrying out the new policy.

It is plain from this that while it was acknowledged that the governor-general had come out to Canada prepared to introduce a new policy in the administration of the country, he was to find himself hampered, not only by the prejudices of the majority of the people in positions of power and influence, but by the previous policy and definitely expressed convictions of former governors, even Lord Durham himself being quoted against the recommendations of the Report which bore his name.

## CHAPTER XI

### RESPONSIBLE GOVERNMENT

LORD John Russell on receiving a despatch from Lieutenant-Governor Arthur, after the departure of Poulett Thomson from Britain, detailing the rising excitement over the subject of responsible government, and recounting his own public utterances in opposition to it, evidently felt that some further directions on the subject should be sent to the governor-general. At the same time he considered it necessary to provide some more practical means than that which existed for enabling the governor to keep his executive in harmony with the legitimate aspirations of the legislature.

As a letter of counsel to the new governor and an expression of the latest views of the colonial office, we have the following important despatch addressed to Poulett Thomson.

"DOWNING STREET, *October 14, 1839.*

"SIR,—It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called 'Responsible Government.' I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses

upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both Houses of Parliament, of the 28th April and 9th May, in the year 1837.

"The assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the secretary of state, but expressly called for the opinion of parliament on the subject. The Crown and the two Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

"It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and, if at all encouraged, would prove the cause of embarrassment and danger.

"The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

"This is the practical solution of a great problem, the result of a contest which from 1640 to

1690 shook the monarchy and disturbed the peace of the country.

"But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a minister is responsible in England is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The governor, under whom he serves, receives his orders from the Crown of England; but can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority.

"It may happen, therefore, that the governor receives at one and the same time instructions from the queen and advice from his executive council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign.

"There are some cases in which the force of these objections is so manifest, that those who at first made no distinction between the constitution of the United Kingdom and that of the colonies, admit their strength: I allude to the questions of foreign war and international relations, whether of

trade or diplomacy. It is now said that internal government is alone intended.

"But there are some cases of internal government in which the honour of the Crown or the faith of the parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a ministry in a colony.

"I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose —I mean Lower Canada.

"During the time when a large majority of the assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any minister to support, in the parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the governor of Lower Canada;—British officers punished for doing their duty, British emigrants defrauded of their property, British merchants discouraged in their lawful pursuits,—would have loudly appealed to parliament against the Canadian ministry and would have demanded protection. . . .

"While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The queen's government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the colonies advantages similar to those which talent and character, employed in the public service, obtain in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown and the unity of the empire, I am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion.

"It is necessary, for this purpose, that no official misconduct should be screened by Her Majesty's representative in the provinces; and that no private interests should be allowed to compete with the general good. Your Excellency is fully in possession of the principles which have guided Her Majesty's advisers on this subject; and you must

be aware that there is no surer way of earning the approbation of the queen than by maintaining the harmony of the executive with the legislative authorities.

"While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the governor on the one hand, and the privileges of the assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power is only able to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse to carry all its resolutions into immediate effect, would produce confusion in the country in a twelvemonth. So in a colony; the governor thwarting every legitimate proposition of the assembly, and the assembly continually recurring to its power of refusing supplies, can but disturb all political relations, embarrass trade and retard the prosperity of the people. Each must exercise a wise moderation. The governor must only oppose the wishes of the assembly where the honour of the Crown or the

interests of the empire are deeply concerned; and the assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain."

With the exception of a slight logical inconsistency which will be referred to later, we have in this despatch an almost complete expression of the theory of responsible government within the British empire as it is exercised to-day. The relationship has been stated a thousand times since this was written, but we have here a statement of all the essential principles which govern the whole subject. For the sake of clearness and further reference, the principles involved may be distinguished and stated thus:—

(*a*) The prerogative of the British Crown is as absolute to-day as it ever was, being simply the expression of British sovereignty.

(*b*) The prerogative of the British Crown is not exercised by the monarch alone, but under advice controlled by the two Houses of Parliament.

(*c*) The degree or proportion in which the prerogative of the Crown is exercised by the three estates—the King, the Lords, and the Commons—is not, and cannot be, prescribed. This is a matter which has been adjusted from time to time by trial, experiment, and usage, in such a way that in certain matters the will of the monarch is practically final, in others the will of the Lords, and in others the will of the Commons, but in all cases with the

tacit consent of the others. In the course of time, however, the larger and more distinctly national issues have gradually come chiefly under the will of the Commons, as expressed through the ministry of the day, accepted by the Lords, and assented to by the king.

(*d*) There is no power over and above the British ministry as exercising the royal prerogative.

(*e*) In the colonies there is such a power, the power, namely, of the royal prerogative as exercised by the British ministry.

(*f*) When a colonial governor receives advice from the home government which conflicts with that received from his advisers in the colony, he must obey the advice from the home government, otherwise his colony is a sovereign or independent power.

(*g*) It is not possible to make a distinction between colonial sovereignty and British sovereignty, depending upon the subjects dealt with; such as, in the first case, matters of internal economy, and, in the second, matters of inter-imperial or foreign relations. This is simply a question of degree, the principle being the same in both cases.

(*h*) As to what does or does not lie within the power of a colonial government, as distinguished from the British government, no hard and fast distinction can be made. Everything is a matter of wisdom and adjustment. The British government should have no desire to embarrass the legitimate

development of the colony, and the colony should not insist upon demanding that which violates the honour of the Crown and the unity of the empire.

(*i*) The adjustment of powers between the governor, the council, and the assembly in the colony can no more be defined and prescribed than the adjustment of powers between the monarch, the Lords, and the Commons in England. Everything must be adjusted under a wise moderation and respect for the necessities of the constitution and the needs of the country.

In carefully considering these propositions, we observe that the one defect in the system appears in the want of harmony between the principle laid down in (*e*) and (*f*), and the principle declared in (*h*). Yet (*h*) is evidently the more logical and perfect statement. Propositions (*e*) and (*f*) contain the very defects which all the other principles in the series are intended to eliminate, alike for Britain and Canada. In (*h*) it is correctly stated that there can be no precise definition as to where the authority of the British government and that of the colonial government limit each other. That must be determined by trial, experience and usage. An unreasonable and unbending claim to exclusive jurisdiction by either party is as liable to produce a rupture of the empire as a similar attitude on the part of one of the estates in the government of Britain itself, or of a self-governing colony. The giving way, therefore, in the case of a disagreement

is not to be entirely and of necessity on the side of the colonial government as claimed in (*e*) and (*f*), but is in every case a matter for reasonable discussion and adjustment, and must be decided in the light of what is best for all parties, as recognized in (*h*), which is simply an expression of Lord John Russell's statement that "Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns." Hence, when the governor is required to protest against a disregard of the honour of the Crown or of the unity of the empire, he is "at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America as the best security for permanent dominion." It will be seen then that this despatch really covers the whole ground, carrying with it as it does the logical correction of its own defects.

There was, of course, nothing in this despatch to hamper Governor Poulett Thomson from admitting, as applicable to the colonies, the most complete theory of responsible government. But, in actually bringing that theory into practice, many and serious difficulties still stood in the way. In the first place neither the conservative element nor the professed advocates of responsible government understood what was involved in bringing such a principle into actual practice. The Conservatives were doubtless the more completely in the dark, entirely miscon-

ceiving and misrepresenting it; but the Reformers, professed advocates of the principle, both claimed and allowed far too much. They were willing to admit that the British government had an unquestionable authority in Great Britain itself and the empire at large, without any interference from the colonies. For the time being, also, they were willing to admit that Canadian external relations, including trade relations with foreign countries, all relations between the colonies themselves, and between the colonies and the Mother Country, belonged to the sphere controlled by Britain alone. But they claimed an equally absolute authority over all domestic affairs of the provinces, without considering, however, whether domestic and foreign affairs did not involve a separation of bone and marrow. Their general principle left no common ground on which mutual powers were to be exercised, and logically involved an ultimate separation between the Mother Country and the colonies, after a series of conflicts over those very colonial relationships which for the time were admitted to be entirely within the jurisdiction of the Mother Country. But experience has proved that the claim for responsible government which was put forth at this time, from the most opposite motives, by the French-Canadians on the one hand, and the advanced Reformers in Upper Canada on the other, has not only never yet been realized, but is now all but abandoned. It is now but the phantom enemy of ultra-imperialists who

seem to believe that responsible government still means what it did to Lafontaine and Baldwin at this period, but which they themselves put aside on attaining to power. These mistaken ideas as to what responsible government involved, Poulett Thomson had to deal with, and endeavoured to dispel, introducing in their place that constitutional practice of responsible government by trial and experiment through mutual concession, the results of which were to be crystallized into the practice and custom of a constitution moulded upon British lines.

In attempting to introduce into Canada the practice of the British constitution, what the new governor was met with was the fact that the Canadian system as then administered on Family Compact lines, was an American and not a British system. In the American system the legislative and the executive departments are distinct from each other. The president and his cabinet are not members of either house of Congress, and have no direct control over the voting of supplies or the passing of Acts, except through the tendering of advice by a message from without, and the power of veto after measures have been passed through Congress. So in Canada at this time the governor and his executive council were not members of the representative portion of the legislature, and had no direct control over the voting of supplies or the passing of Acts, except the power of veto exercised by the governor in

reserving bills, and by a nominated council in rejecting them. Again, in the American system the president selects the various secretaries, who, as chiefs of the executive departments, compose his cabinet, but they are otherwise quite independent of each other, and do not require to agree in their views on all the leading issues of public policy. Similarly, the chief executive officers in Canada were, nominally at least, selected by the governor, but were otherwise independent of each other, and did not require to agree in their views on general public policy. Nominally the Canadian executive chiefs held their offices as the American secretaries, at the pleasure of the governor representing the Crown. But, as part of the system by which in Canada the servants came to control the master, they had managed to establish virtually a life tenure in their offices. It was on this vital point of tenure of office that the chief practical difference between the Canadian and the American systems lay. In the United States the president was elected by the people, in Canada the governor was appointed from Britain. In the United States the senate was indirectly elected by the people, in Canada the legislative council was nominally appointed by the Crown, but really nominated by a group chiefly composed of the executive and legislative councils themselves. A similar distinction held with reference to the president's cabinet and the governor's executive council. Thus, in the

United States, though there was not responsible government in the English sense, yet ultimately all the officers of the government were indirectly amenable to the popular suffrage. In Canada, where there was no responsible government of the British type, neither was the government even indirectly amenable to popular suffrage.

## CHAPTER XII

### RADICAL CHANGES REQUIRED

IT is quite obvious that many and radical changes were required in the Canadian system of government before it could attain even to the American, much less to the British, form of responsible government. To convert the Canadian system from the decidedly non-British condition in which it had been placed and maintained, chiefly by the power of the Family Compact party, was the essential and all-important work required of the new governor in connection with the introduction of responsible government. This had been recognized in Lord Durham's Report as the most difficult task in the introduction of responsible government, though the Report itself apparently erred in representing it when introduced as indistinguishable from complete and independent sovereignty.

What then were the most important changes which must be made in the Canadian system of government in order to render it possible to operate that system of responsible government advocated in the Durham Report, which Lord John Russell accepted and encouraged Governor Poulett Thomson to introduce? In the first place, the members of the executive council must be made to hold their positions at the pleasure of the Crown. Should

the Crown in future, as Lord John Russell's despatch indicated, pay special respect to the wishes of the representatives of the Canadian people, then the members of the executive council must be brought into harmony with the legislature. The legislative council, even as an appointed body, must no longer represent a close corporation of court favourites. In the spirit of mutual confidence established between the Crown and the people, the council must be filled with those who will command the respect of the province. Again, in order that the chief executive officers might represent a connected and self-consistent policy, which would be able to command the intelligent support of a majority in the assembly, the executive officers must be in sufficient agreement on all the essential points of provincial policy that there might be no public friction among them. To this end it was necessary that they should be organized under an acknowledged leader. In other words, there must be formed a responsible cabinet composed of the chief executive officers, with seats in one or other branch of the legislature, and able to command the support of the majority of the assembly. To secure such a harmony of interests as would bring into a working agreement the legislative, executive, and imperial interests was just the object to be secured by that informal adjustment of powers which Lord John Russell's despatch represented as the true and only expression of responsible government

within self-governing portions of the British empire.

To introduce these great changes, amounting to a virtual revolution as regards the previous system of Canadian politics, and to lay the foundations for a system of precedent and custom which would in time render Canadian cabinet government as stable and its evolution as safe as that of the British constitution itself, was the unique service to be rendered by Lord Sydenham. Once definitely introduced, the system had to be gradually developed in its practice and traditions, and the division of responsibility on this or that subject had to be readjusted from time to time. Similarly, the weight of responsibility as between the home government and the colonies had to be gradually shifted and adapted as the development and self-reliance of the colonies increased, and in proportion as they showed their appreciation of their liberty and their ability to work harmoniously with the home government on those lines of mutual respect and confidence referred to by Lord John Russell.

The first great step in this transformation of colonial practice was of necessity the breaking up of the proprietary position of the chief executive officers, which was the essence of what was known as the Family Compact. The Compact was not in reality a political party, for the members of it did not, as a matter of fact, always agree among themselves on questions of public policy. Neither

was it, as its members constantly pointed out in their stock argument in rebuttal, a body of persons specially connected by blood relationship. It was simply a group of persons, more or less bound together by strong ties of personal interest, establishing and maintaining their hold upon the executive offices, and consequently upon the governors, and all public grants, emoluments, and appointments depending upon the executive power. The dissolving of the proprietary control of the executive offices was accomplished very adroitly by another despatch from Lord John Russell, laying down the future conditions as to the tenure of these offices. This important despatch, also addressed to Governor Poulett Thomson, is as follows:—

"DOWNING STREET, *October 16, 1839.*

"SIR,—I am desirous of directing your attention to the tenure on which public offices in the gift of the Crown appear to be held throughout the British colonies. I find that the governor himself, and every person serving under him, are appointed during the royal pleasure, but with this important difference: the governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs; but the commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last reigns, a single instance has

occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice which formerly prevailed of selecting all the higher class of colonial functionaries from persons who, at the time of their appointment, were resident in this country; and amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy, climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada.

"You will understand and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty's pleasure will not be regarded as equivalent to a tenure during good behaviour; but that not only such officers will be called upon to retire from the public service as

often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject, of course, to the future confirmation of the sovereign.

"These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks or in similar capacities under them. Neither do they extend to officers in the service of lords commissioners of the treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the colonial secretary, the treasurer or receiver-general, the surveyor-general, the attorney- and solicitor-general, the sheriff or provost-marshal, and other officers who, under different designations from these, are intrusted with the same or similar duties. To this list must also be added the members of the council, especially in those colonies in which the legislative and executive councils are distinct bodies.

"The application of these rules to officers to be hereafter appointed will be attended with no prac-

tical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice, as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity."

This despatch was hailed with delight by the responsible government party, because it was recognized as evidently designed to open the way for a change of ministry whenever the members of the executive council had lost the confidence of the legislature. On the other hand it was received with something like consternation by the office-holders, and with very great doubt by their backers and the Conservative element generally. They, too, recognized that it meant the virtual introduction of responsible government, though without specifically naming it. "People are no longer to hold offices subject to good behaviour," said the Kingston *Chronicle*, "giving us plainly to understand that good behaviour is an indifferent sort of re-

commendation to a Whig colonial ministry." The Quebec *Gazette*, unshakenly devoted to the old paths, criticized the measure very harshly, fearing that while it implied on the face of it responsibility to the executive and the Crown, it was very likely to degenerate into responsibility to the majority, as it would be difficult for the governor to resist the majority, and practically impossible for the executive officers to do so. In Canada the heads of departments lived by their offices, and had not, as in Britain, the independent means which would enable them to place principle before profit and refuse to change their views in response to the clamours of the multitude. The Toronto *Patriot*, however, already wavering in its opposition to the new governor, saw no great danger in that form of responsible government, the responsibility being to the Crown.

While the policy of this despatch undoubtedly rendered responsible government possible, yet, as we have seen, much remained to be done before it could be rendered actual. There was as yet no constitutional machinery for effecting an orderly change of ministry. There was no regular party system with recognized leadership, and consequently no plain indication to the governor, through formal divisions of the House, as to what particular policy on any given issue the public would support. Neither was there any organization to suggest with any certainty who were the individuals command-

ing the confidence of a majority in the assembly on any special issue, and still less indication as to whether the parties who might receive the support of the majority on this or that issue could agree among themselves as to a general policy or a mutually acceptable programme on the leading issues. With all this lack of organization there could be no position corresponding to that of the prime minister of to-day. There were indeed various tentative efforts towards the formation of political groups, but they were generally organized for the purpose of promoting this or that special object. The Reformers were never definitely united on any issue before that of responsible government, and as they were united on nothing else, they could not have worked responsible government. There was a general though vague distinction between Reformers and Conservatives, which under definite organization would naturally crystallize into two great parties, but there was as yet little harmony between the different sections of either wing. As we have seen, in taking the attitude of the different sections of the people on the two great questions then before them—union and responsible government—the arrangement of groups on one of these questions was quite different from their arrangement on the other. In Upper Canada also, that other great question, the Clergy Reserves, divided the people differently from either of the others. Numerous other instances of cross-divisions could

be given, if we followed up the attitude of leading politicians on other important matters discussed within the preceding years, and on which it was essential that a ministry should have a connected policy. The existing situation was such, then, that any popular ministry formed directly in response to the cry for responsible government would be apt to have a sweeping majority on one question and find itself in a hopeless minority on many others. But, as we know, a responsible government of the British type cannot be carried on upon these terms. There must be party organization with accepted leadership and a coherent programme.

Obviously the very machinery for working responsible government had to be created. In order to create it, introduce it, and get it into a fairly good working condition, it was necessary that the governor-general should virtually take the initiative, and for the time exercise very extraordinary powers, playing the combined rôle of prime minister, lieutenant-governor, and governor-general; and in the meantime be given a remarkably free hand by the home government. Thus it fell out that the governor-general who was to introduce responsible government and prepare the way for a gradual retirement from actual politics of all future governors-general from Lord Elgin on, was himself to exercise a personal power in ministerial control unknown to any of his predecessors or successors. In breaking up the Compact party and their hold upon the

administration, the governor had to temporarily take over all their powers into his own hands in order to bestow them afresh either upon the same men under new conditions of office, or upon a new set of ministers taking up their duties on a mutually responsible basis.

To make such a transition possible in Canada, under the conditions of the time, two things were necessary, first, that the governor must thoroughly understand the practical workings of the cabinet system based upon party government. This qualification Lord Sydenham certainly had, and was the first of Canadian governors to possess. On the other hand, it would never have done to transfer the executive power directly from the Compact party to a number of their opponents, amenable only to an amorphous assembly, quite untrained in the most vital features of British parliamentary procedure. Such a policy, though advocated, as we shall see, by conscientious Reformers such as Baldwin, would have been utterly impracticable. It would have inevitably produced riot in Upper Canada, and was simply inconceivable in Lower Canada. But, however distasteful to the ultra-Conservatives, it was strictly within the powers of the governor-general, according to the soundest doctrine of the Compact party, to take the direction of the executive government into his own hands, even while permitting the existing holders of office to remain, subject however to his plea-

sure. This the new instructions on the tenure of office permitted the governor to do. Thereafter, in making any changes in office, he could place in the executive positions such persons as he recognized might command the respect and confidence of a majority of the assembly. But, as this would be for some time an experimental process, by keeping sufficient reserve power in his own hands he could, on the one hand, correct any mistakes in the filling of the offices, and, on the other, prevent his ministry from being thrown out before the new system had had time to crystallize into a working organization. As the ministry acquired facility in working in harmony with each other, until they could hold together of their own accord and trust themselves to the tender mercies of a parliamentary majority, itself requiring considerable coaching, it would be possible for the governor to relax his power and admit ultimately the complete responsibility of his ministry. How much patience, wisdom, and tact, rapid and accurate judgment of men and measures, how much of the wisdom of the serpent masked under the harmlessness of the dove this process required, only those who are familiar with the chaotic condition of Canadian public life, the bitter recriminations, deep jealousies, and far-reaching antagonisms of that period, can understand.

To attempt to effect such an administrative revolution in an atmosphere surcharged with the most opposite views on the question of responsible

government was especially difficult, for it was quite obvious that during the whole process of transition the question would be repeated in scores of forms, and with the most opposite motives: Must the ministry resign on an adverse vote? It was plain that at the beginning of the process the ministry could not necessarily be sacrificed on every adverse vote, even on important issues, while at the close of the process the ministry must of necessity resign on a definite adverse vote. At the beginning of the process the ministry were the chosen instruments of the governor-general, and depended upon him for their cohesion, their unity of policy and tenure of office; but at the end of the process they were the instruments of the legislature, and dependent upon the majority of the assembly for their political support and tenure of office. During the interval all the difficult stages of transition must be traversed. This transition process was naturally distasteful to impatient and rigid theorists of both extremes, bringing upon the governor the opposition of ultra-Tories and ultra-Radicals.

In addition to proving practically the only feasible method of introducing the British system of responsible cabinet government into Canada, Lord Sydenham's policy achieved the introduction of this system on the terms laid down in Lord John Russell's despatch. At the close of the first session of the united parliament, after a great deal of successful fencing, the principle was at length openly

recognized that the ministry must resign on an adverse vote; yet it was recognized on such terms that the rights of the three estates, the assembly, the council, and the Crown, were preserved. All definition of their respective spheres of influence was avoided; the responsibility of the ministers and the colonial relationship were left simply as working principles, and they have remained such from that day to this, amid all the readjustments of the balance of power between the three estates and within the empire. The messages of Lord John Russell on responsible government and the tenure of office marked the beginning of this process; the working out of it is to be traced in the practical details of Lord Sydenham's administration and that of his successors within the following decade.

## CHAPTER XIII

### THE UNION PROBLEM

AFTER the departure of Sir George Arthur, Lord Sydenham remained diligently consulting with the most representative citizens of Lower Canada, and especially with the chief-justice, James Stuart. Chief-Justice Stuart was a man of exceptional ability, learning, and professional experience, and was probably more than any other person in the country respected and trusted by both French and English elements. Recognizing at once the value of such a man as an adviser, especially on the subject of the union, the governor frequently consulted with him, and attached the greatest weight to his counsel. Investigation had convinced him that the more stable elements in Lower Canada, French as well as English, were now desirous of a speedy termination of the unsatisfactory condition of the existing Canadian government. The alienated French-Canadians naturally made use of the suspension of constitutional government as a basis for continued agitation. Public opinion throughout the province was very much divided; some demanded a return to the former constitution, others would deprive the French-Canadians of all share in the government, breaking up the province into sections, giving

political rights to some and denying them to others. Even some of the extremists, however, believed that union was the only practicable measure. On all grounds the speedy adoption of the union measure seemed essential to the peace and prosperity of the country; as regards details, there were some who desired that the imperial government should take the whole matter into its own hands without consulting local opinion or local interests, but the majority of the best opinion of both races favoured union upon principles of fairness alike to the two provinces and to the two races.

The governor-general called the Special Council together on November 11th, 1839, and submitted to them the proposals for reunion. In order that it might not be supposed that he had used his personal influence to select members of council specially favourable to the union, he did not exercise the right of making changes in the council, but simply accepted the body as appointed by Sir John Colborne. In July, 1839, Colborne had appointed ten additional members to the Special Council. These he carefully selected from the most influential persons of each district, in order to render it as representative and respectable a body as possible for the passing of urgently necessary laws.

To this body then the governor-general submitted the union proposal. Their opinion in favour of the measure was almost unanimous, and was

conveyed to the governor in the form of an address and six resolutions. The latter embodied the requirements that the union should include provision for a permanent civil list, that that portion of the debt of the Upper Province incurred in improving the navigation of the St. Lawrence, the common highway between the two provinces, should be a charge upon the joint revenue, and that the new legislature should be one "in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained." The resolutions were opposed by only three members out of fourteen, the three being Messrs. Cuthbert, Neilson, and Quesnel. Mr. Neilson, who was the editor and proprietor of the Quebec *Gazette*, maintained, as we shall see, an opposition to the union measure which deepened with every defeat which he sustained, and which culminated in his attacks on the union in the first legislature of the united province.

The press of Upper Canada naturally followed the proceedings of the Special Council with much interest, knowing that its verdict would be used to influence the vote in the Upper Canadian legislature. The Conservative press regarded the resolutions adopted as much too favourable to the French-Canadians. As the Kingston *Chronicle*, one of the most representative of these papers, put it, there was to be no distinction between French rebels and loyal subjects, and disaffected districts

were to be treated on the same terms as others. Rebels, Durhamites, Radicals, and Loyalists are to find equal favour in the eyes of the governor-general. This may appear very generous on the part of the governor but it may prove quite fatal to British interests. It closed with the hope that the legislature of the Upper Province may raise its voice against such dangerous proceedings. The Sherbrooke *Gazette*, as representative of the English element in the townships, did not share in the optimistic opinions of the Montreal *Gazette* or *Herald*, who thought that the union would be the means of putting an end to the separate national aspirations of the French-Canadians, and would result in the fusion of the two races. It feared that there might be a sufficient number in Upper Canada in favour of responsible government to unite with the great majority of Lower Canada, and thus control the united legislature and lead round to the same conditions as in 1837. Neilson's paper, the Quebec *Gazette*, taking the same stand as its proprietor in the council, opposed the union from the opposite point of view, because, as he claimed, it was likely to overthrow the power of the French-Canadians in the united assembly.

Having secured a favourable verdict from the only legislative body in Lower Canada, the governor set out for the Upper Province, leaving Sir R. D. Jackson, commander of the forces, as administrator in Lower Canada during his absence. The

chief-justice he desired to follow him in order to assist in the revision of the union measure, should it be accepted by the legislature of Upper Canada.

The industry and impetuosity with which Poulett Thomson followed up every matter in which he was deeply interested proved a novel and almost alarming experience for the Canadian officials, who were quite unaccustomed to a governor-general who so completely exercised his powers to regulate details, and who threw himself so enthusiastically into his work. His anxiety to reach Toronto at the earliest moment so as to have as much time as possible to get into touch with men and conditions there before the opening of the assembly, determined him to leave Montreal at an unusually early hour on the morning of November 18th. Driving over to Lachine, he expected to find a special steamer provided by the commissariat department to take him up the lake. We can imagine his chagrin at finding only the regular passenger steamer there, the captain of which declined to undertake any special trip before the regular hour for receiving mails and passengers. In consequence, Commissary-General Routh at Quebec received a very sharp letter from Mr. Murdoch, the civil secretary, demanding an explanation of the lack of a special conveyance and requesting that in future, when the governor-general had occasion to travel, a special officer of the commissariat department should be in attendance to provide the means of transport.

The first part of his trip the governor thus describes: "The journey was bad enough; a portage to La Chine; then the steamboat to the Cascades, twenty-four miles further; then road again (if road it can be called) for sixteen miles; then steam to Prescott, forty miles; then road, twelve miles; then, by change of steamers, into Lake Ontario to Kingston. . . . . Such as I have described it is the boasted *navigation* of the St. Lawrence!" Reaching Kingston on the twentieth at 1 P.M., he was received with all military honours, as befitting at once the governor-general and the chief centre of the troops in Upper Canada. He was also presented with two addresses, the product of several public meetings during the previous week, one from the magistrates, clergy, and inhabitants of the town; and the other from the merchant forwarders and traders, as having a special bond of sympathy with the governor. His Excellency made, as usual, brief but appropriate and felicitous replies, and within three hours was afloat again on the government steamer *Traveller*, on his way to Toronto, where he arrived the following forenoon, November 21st. The next day at noon he was received in state in the executive council chamber by the members of the council and the heads of the Church, the bench, the educational institutions, and the government departments. There he took the oaths of office, and in turn administered them to the members of the executive council. Finally, he received

from Sir George Arthur the public seal of the province, as taking over the provincial government. Then came an address from the mayor and corporation.

The *Patriot* thus gives its first impressions of the new governor as he appeared at these functions. "His Excellency, the governor-general, is a younger looking person than we expected to see: he is apparently about thirty-five years of age, and his appearance strikingly intelligent and agreeable. His Excellency wore a civil uniform of blue, superbly embroidered with massive gold lace. He received with marked urbanity the gentlemen introduced to him. We are sorry to notice that His Excellency appeared to labour under severe indisposition."

In the address from the mayor and council, the governor is given to understand that the policy of the imperial government had raised doubts and uncertainty in the minds of loyal and well-affected inhabitants, and as he is understood to be looking for expressions of public opinion on the question of the legislative union of the provinces, they would respectfully express their conviction that any legislative union not based upon the ascendency of the loyal part of the inhabitants, or which would give to the French-Canadians, diplomatically referred to as "that portion of the population who, from education, habits and prejudices, are aliens to our nation and our institutions," the same rights and privileges with the loyal British population who have risked

their lives and properties for their sovereign and constitution, would be fatal to the connection of the Canadian provinces with the Mother Country. If, therefore, His Excellency chooses "to preserve inviolate and unchanged" the constitution under which they live, he may confidently rely upon "the highest municipal body in the province" for support. His Excellency in reply quietly assured them that he was charmed with their sentiments of loyalty, but gently indicated that Her Majesty's government was really loyal also, and that while the connection between the colonies and the Mother Country was undoubtedly to be maintained, "to be of permanent advantage, it must be founded upon principles of equal justice to all Her Majesty's subjects."

Not content with these numerous and trying ceremonies as a day's work, His Excellency the same day set on foot a number of special inquiries in order that he might be furnished with information as to the condition of the province. Its financial embarrassment being one of the most critical problems and an all-important feature in the question of union, he directed the receiver-general, Hon. J. H. Dunn, to prepare a return of the revenue and expenditure of the province for the past five years.

While these preliminaries were preparing, his traveller's instinct induced him to make an excursion to Niagara. He thus refers to his trip. "I

started again on Saturday for the Falls. It is only thirty-six miles across the lake to Queenston, and then seven to the Falls. So, by starting early in a government steamer, which I kept, I did the thing in a day, and returned here to sleep. Then again at Niagara, Queenston, and Drummondville, I had to face addresses and the military; still I got three or four hours for the Falls, and certainly they beggar all power of description." On Monday he held a public levee at Government House at one o'clock, and this apparently was attended by all sorts and conditions of men. At the close of this function the merchants of the city presented an address in which they appealed to him to employ his distinguished abilities and intimate knowledge of commerce to devise measures for restoring prosperity and once more directing immigration and capital to the Canadian provinces. The governor promised his best assistance in return for their co-operation in readjusting the constitution. The same day he received a second address from the general inhabitants of the city. The remaining few days before the opening of the legislature he spent in endeavouring to learn the attitude and relative strength of the various elements within the province, in order that he might judge of the most effective presentation to make of the union proposal, in his message to the legislature. What he discovered was not very encouraging, as the following extract from a private letter will indicate.

"I have now the Upper Province to deal with, which will, I fear, be a more difficult matter. But I do not despair; and certainly, so far as all the real interests of the country are concerned, the union is far more necessary to Upper Canada than to the other. If it were possible, the best thing for Lower Canada would be a despotism for ten years more; for, in truth, the people are not yet fit for the higher class of self-government—scarcely indeed, at present, for any description of it; and by carrying oneself the measures which a House of Assembly will probably never carry, one might gradually fit them for both, and, at all events, leave them an amount of good institutions which the united legislature, when it came, could not destroy. But in Upper Canada the case, as it appears to me, is widely different. The state of things here is far worse than I had expected. The country is split into factions animated with the most deadly hatred to each other. The people have got into the habit of talking so much of *separation*, that they begin to believe in it. The constitutional party is as bad or worse than the other, in spite of all their professions of loyalty. The finances are more deranged than we believed even in England. The deficit £75,000 a year, more than equal to the income. All public works suspended. Emigration going on fast *from* the province. Every man's property worth only half what it was. When I look to the state of government, and to the departmental administra-

tion of the province, instead of being surprised at the condition in which I find it, I am only astonished it has been endured so long. I know that, much as I dislike Yankee institutions and rule, *I* would not have fought against them, which thousands of these poor fellows, whom the Compact call 'rebels,' did, if it were only to keep up such a government as they got. The excitement upon 'responsible government' is great. Not that I believe the people understand what they are clamouring for by that word; but that they feel the extreme uneasiness of their situation, owing to financial embarrassments, and hate the dominant party in the government with intense hatred. I do not wonder at the cry for responsible government, when I see how things have been managed.

"Then the assembly is such a House! Split into half a dozen different parties. The government having *none*—and *no one man* to depend on! Think of a House in which half the members hold places, yet in which the government does not command a single vote; in which the placemen generally vote against the executive; and where there is no one to defend the government when attacked, or to state the opinion or views of the governor! How, with a popular assembly, government is to be conducted under such circumstances, is a riddle to me. I am now more than ever satisfied that the union affords the only chance of putting an end to the factions that distract the country; the only means of recruit-

ing its finances by persuading Great Britain to help the Upper Canada exchequer; the only means by which the present abominable system of government can be broken up, and a strong and powerful administration, both departmental and executive, be formed. And unless the people will assent to the general outline of it, and parliament will then carry the details, upon which they would never agree, with a high hand, the province is lost. From all that I can hear or see, I would not give a year's purchase for our hold of it, if some great stroke is not given which shall turn men's thoughts from the channel in which they now run, and give a fresh impetus to public works, immigration, and the practical improvement of the country's resources.

"It is indeed a pity to see this province in such a state. It is the finest country I ever knew, even what I have seen of it in a circle of thirty or forty miles from here; and by the accounts I receive the upper part is even superior. Lower Canada is not to be named in comparison. The climate, the soil, the water-power, and facilities of transport, finer than anything in North America.

"Whether in their present state of violent excitement I shall be able to persuade the people to come to reasonable terms, I cannot venture to say; but I am sure it is the last and only chance. After having brought——and——to think that the French-Canadians ought to have their full share of the representation, I shall not despair of anything. But

what I hear, and have as yet seen, of the House of Assembly, is not encouraging. If they are not willing, however, I shall appeal to the people without hesitation; for the state of things admits of no delay, and no half measures."

According to programme, the legislature was opened on December 3rd with a very direct and businesslike Speech from the Throne, which, in laying out the programme of matters to be considered by the legislature naturally placed in the forefront the question of the union, to be submitted for their consideration at an early date. Accordingly on the seventh the subject was brought before them in a message in which the governor referred to the steps already taken in the imperial parliament. He touched on the unsatisfactory condition of the government in Lower Canada, and referred to the deranged condition of the finances of Upper Canada. Public improvements were suspended, private enterprise checked, the tide of immigration diverted, and the general system of government distasteful to many. While the imperial parliament have decided upon a reunion of the Canadian provinces, they desire to have the concurrence and advice of the people of Canada on a subject of so much importance to themselves. He indicates the impossibility of improving the finances of the Upper Province without a union and settlement with Lower Canada, which controls the customs duties on Upper Canadian trade. The co-operation of Lower Canada is

also necessary to carry out the proposals under way for improving the means of communication.

The terms upon which the governor-general desired the consent of the legislature of Upper Canada were, first, an equal representation of each province in the united legislature; second, the granting of a sufficient civil list; third, that so much of the existing debt of Upper Canada as has been contracted for public works of common interest should be charged upon the joint revenue of the united provinces.

In making these proposals the message also indicated the grounds on which they were to be justified. In giving an equal representation to each province Lower Canada might seem to be placed in an unfavourable position, but, considering the future of both provinces and the expansion of Upper Canada through immigration, extending trade, and industrial enterprise, an equal proportion seemed justifiable. However, it is plain that if this had been the sole reason, the reply of the French-Canadians would have been valid; namely, that there was no occasion to give to Upper Canada an enlarged representation before the coming population had arrived. The real reason was known to every one, and might as well have been frankly stated. It was that the government had to decide between a predominantly British or a predominantly French future for Canada, and they, somewhat naturally no doubt, decided in favour of the

former. The French were as naturally disappointed, and vented much of their displeasure upon the governor as the instrument of their defeat, ignoring all that he did to insure them the fairest possible treatment within that single condition. Indeed his efforts in favour of the French-Canadians caused him to incur the suspicion and resentment of a considerable section of the English element, who thought him much too sympathetic with the French-Canadians.

The justification for the second of the terms, the granting of a sufficient civil list, was the necessity for protecting the independence of the judges and insuring the carrying on of the essential services of the executive government. This meant, of course, the holding of sufficient power in the hands of the central government to insure a stable form of administration as regards the essentials of the constitution.

With reference to charging the debt of the Upper Province upon the joint revenue, the justification lay in the fact that the Lower Province benefited by the improvements in transportation, for which the debt had been incurred. Undoubtedly the enterprising portion of Lower Canada, and therefore especially the English element in it, profited greatly by the rapid expansion of the wealth and population of the western portions of the country, due to the improved means of communication. As an argument for union, however, it

overlooked the fact that improving the navigation in the upper St. Lawrence and encouraging immigration and settlement were the very reverse of commendable in the eyes of the French-Canadian Nationalists, who fully realized that success in these lines meant the ultimate extinction of their ascendency and of their hopes.

The terms of the union, one might suppose, would have commended themselves to the English element of Upper Canada. It may be recalled that during the previous session the union proposal had been accepted by the assembly, though under restrictions which could not be admitted, as being too unfair to the French-Canadians, but they were rejected by the council. The new terms proposed by the governor-general, and which were much more favourable to the Lower Province, were ultimately accepted by a large majority in the assembly, with a slight variation in the proposal with reference to the civil list, and the dropping of any limitation as to the debt of the Upper Province to be assumed by the united government. The four resolutions embodying the terms of the union had been introduced by Solicitor-General Draper who had favoured the union during the previous session, but only on the terms then laid down, and which even now he much preferred, though not openly, owing to his relations to the government.

Several attempts were made by the minority elements, chiefly the Compact party, to either

block the union altogether, or to alter the terms, chiefly in the direction of making the conditions more onerous for the French-Canadians. The amendment against the union, as such, was defeated by forty-four to eleven, which showed quite approximately the strength of the Compact element. One wing of the Radicals favoured an amendment to the effect that the union question should be referred to the people of the province for a direct verdict, but this was defeated by the same majority, forty-four to eleven. It was significant that the fourth resolution dealing with the debt of the Upper Province was carried without a division. After the resolutions were passed, on the question of an address to the governor-general the more Conservative element endeavoured to attach certain further conditions to the terms of union, such as, that the seat of government must be in Upper Canada, that English should be the official language in the united legislature, that there should be a real estate qualification for members of the legislature, and that, except for the fact of the reunion, the principles of the constitution of 1791 should be preserved inviolate. These, however, were defeated by a majority of twenty-nine to twenty-one.

The leaders of the minority opposed to the union were Attorney-General Hagerman, J. S. Cartwright, and Henry Sherwood. The fact that the solicitor-general and the attorney-general were on opposite sides in so important an issue will indicate

how far the practice of the Canadian government was from that of Britain. In his speech against the union Mr. Hagerman frankly stated that, though a member of the government, he still felt at liberty to oppose the measure presented by the governor-general. He admits that under the new interpretation as to tenure of office the governor might have dismissed him, but the fact that he did not under the circumstances was, he considered, much to his credit. We shall have the governor's comment upon this a little later. Hagerman attacked the union resolutions on different grounds. He took a very characteristic attitude towards the French-Canadians; he considered that they had no claim upon the people of Upper Canada to assist them in regaining their rights under the constitution. Ignoring the whole policy of the British government in the past treatment of the French-Canadians, he maintained that they were the most thankless people on earth, considering all the favours that had been heaped upon them. The union of the provinces would not cure such people, whom he absolutely distrusted; they should be put back under the Quebec Act, not, as we find, to enjoy the complete restoration of French institutions granted under that Act, but to be deprived of their constitutional rights, and to be governed entirely by a nominated council. He criticized the financial proposals, but himself suggested a much more complex and unworkable substitute, which in the end was

to enlarge the income of the Upper Province at the expense of the Lower. As to equalizing the representation of the two provinces, the governor's proposal had the appearance of injustice to Lower Canada, and could only make the French-Canadians more irreconcilable to British institutions. He could not, therefore, agree with his friend Mr. Cartwright that if Upper Canada were given sixty-five members and Lower Canada fifty the union might be rendered a safe measure; his own alternative is the Quebec Act machinery without the Quebec Act contents.

Altogether the result of the assembly's action, when compared with the attitude of the previous session, was a distinct triumph for the policy of the governor-general. But the change of attitude was still more marked in the case of the legislative council, where, in place of the uncompromising rejection of the more favourable proposal of the previous session, the union was accepted by a respectable majority on the terms proposed by the governor. The resolutions were introduced in the council by the Hon. W. B. Sullivan in a very interesting speech, considering that he was one of those who had voted against the union during the previous session. He took the curious ground that the separation of the provinces had been necessary in order to give the English element a footing in the Canadas, but now the reunion was necessary in order to prevent the French from blocking their

further progress. He referred to the previous proposals for union, which had been successfully objected to by both nationalities, each one fearing that it might be swamped by the other. Some other solution of the difficulty then seemed possible; now all others had been exhausted, and the French had proved themselves unworthy of the liberties which had been granted them, hence their consent to the union was not necessary. As a speech intended to gain over the majority in an Upper Canadian council it was well planned, but it was equally effective, if that had been necessary, in alienating the sympathies of the French-Canadians.

In winning over the majority of the council the personal influence of the governor was most obviously effective, the remaining minority consisting almost entirely of the most irreconcilable element among the placemen of the Compact party. As the *Commercial Herald*, the Compact organ of Toronto, remarked, " We are sorry to perceive that the viceregal sun, as the Montreal *Courier* expresses it, is thawing the ice of opposition in certain quarters where more firmness was expected." The effectiveness of the personal influence of the new governor was freely commented upon in papers of all shades. Even in the debates in the assembly and council it was noticed that a great change had come over several of the members who had previously passed very sharp criticisms upon the colonial policy of the Whig ministry.

## THE GOVERNOR'S INFLUENCE

The governor undoubtedly used his personal influence in the way of argument and persuasion to the utmost of his ability, and with very remarkable effect. Several of the Toronto papers most opposed to the union directly accused him of using coercion upon those in office. It is true, as we shall see, that he considered it one of the radical defects of the existing Canadian system that officers of the government should vote in opposition to government measures; but that he did not use his official power to force office-holders into line on the union question was shown from the fact that of the ten who supported Robinson's motion against the union, five were officials holding office at the pleasure of the Crown, and of the twenty-one who supported Cartwright's motion nine were in the same position.

Once the resolutions were passed in the assembly, many of the opponents of the union, including several of the newspapers, among them the Kingston *Chronicle*, accepted it as a settled policy, and frankly looked forward to great benefits to result from it. Nevertheless in other quarters opposition to the union proposals continued to find vigorous expression among the most opposite elements in both provinces. Among the Upper Canadian papers, the Toronto *Commercial Herald* and the Cobourg *Star* mingled with their criticisms of the measure personal attacks upon the governor-general. The Quebec *Gazette*, though strongly opposed to responsible government, was equally opposed to the

union, regarding the proposal, however, as a sacrifice of the French element, not of the English, as was so steadily maintained in Upper Canada. Its opposition to the union was mainly based, in argument at least, on the difficulty of bringing it into operation as between two races "who have been kept distinct in everything in consequence of British legislation." There certainly was no doubt about the difficulty of working the union after so long a policy of separation, but neither the Quebec *Gazette* nor any other paper had an alternative policy that did not involve either the consigning of Canada to civil war, or the governing of it under an indefinite despotism, however benevolent, which must also inevitably end in strife. However, as presenting the difficulties of the existing situation, the articles in the Quebec *Gazette* and other papers opposed to the union were sufficiently instructive.

The Toronto *Examiner*, Mr. Hincks's paper, and the accepted leader of opinion for the more rational Reformers, strongly supported the union, and on one of the very grounds on which the Quebec *Gazette* so strongly opposed it; namely, that it must inevitably lead to responsible government, as "no secretary of state would have moral courage enough to refuse the just demands of the united people." As to the Tory element, the *Examiner* took rather a cynical view of the office-holders, claiming that they would support the governor in order to protect their places, while the element

which was in some degree free from such official positions as depended directly upon the governor would oppose him to the bitter end. The *Examiner* was rather severe upon Mr. Draper for the uncertain position which he occupied, alternately professing to represent the government as its organ in the introduction of the resolutions, and again, as a private individual, professing disappointment that it did not go far enough in safeguarding the interests of Upper Canada. As a matter of fact, the general body of the Reformers were the most faithful supporters of the governor's measure, and he did justice to their support in the following terms.

"It is impossible to describe to you the difficulties I have had to contend with to get this matter settled as it has been in the assembly. I owe my success altogether to the confidence which the Reform party have reposed in me personally, and to the generous manner in which they have acted by me. A dissolution would have been greatly to their advantage, because there is no doubt that they would have had a great majority in the next assembly; and it must have been most galling to them to see me, as well as themselves, opposed by a number of the placeholders without my turning them out. But they gave up all these considerations, and in this country, where the feeling of hatred to the Family Compact is intense, they are not light, and went gallantly through with me to the end. The journals of the proceedings in the

assembly, which I send you, will show you the sort of opposition I have had. To the union itself there are not more than eight or ten out of the whole House who are opposed,—all the Family Compact; but these few contrived to propose all sorts of things, to which they knew I could not assent, as conditions to its acceptance, in order to secure the votes of the placemen, and some few others, who were pledged last session to these foolish stipulations. But the Reformers and the moderate Conservatives, unconnected with either the Compact or with office, kept steady; and the result has been that on every occasion the opposition were beaten hollow, and all their proposals rejected by large majorities. I had dissolution pressed upon me very strongly, and there is no doubt that with it I could have got over all difficulty; but then I must have made up my mind to great delay, and I doubt whether the measure would have gone home in time for you to legislate. However, thank God, it is all right at last, though I assure you the anxiety and fatigue have been more than I like."

## CHAPTER XIV

### AN ANALYSIS AND A FORECAST

NO sooner had the union measure safely passed the legislature of Upper Canada, than, with customary energy, Governor Thomson resumed the task of making himself familiar with the working of the various executive departments and their relations to the legislative branch of the government. He had already set on foot a series of inquiries, and had required a number of comprehensive returns to be prepared for his information. The results of these inquiries were far from encouraging. On December 15th, 1839, in a long confidential despatch to Lord John Russell he gives the general results of his investigation, accompanied by the usual direct and penetrating comments, the whole throwing a flood of light upon the condition of affairs which had prevailed up to that time. There is also an admirable forecast of the only possible lines for remedial measures in the future.

It is stated at the outset that the administration of the affairs of the province is in a very unsatisfactory condition, and yet it is impossible to speak too favourably of the province itself and of its resources. He summarizes its many excellent features, but points out that the extremely distracted political condition of the country has

arrested progress and threatens it with retrogression and even bankruptcy. "The Province is overwhelmed by debt which it has no means of supporting; public works are at a stand; emigration to the States is going on and a deterioration in the value of every man's property causes discontent and dissatisfaction." For this the abortive rebellion is only very partially responsible, and moreover there is not the slightest doubt of the essential loyalty of the great body of the pepole, though charges of disloyalty are, for political reasons, directed against those who advocate an extension of popular rights. There is, on the other hand, great dissatisfaction with the majority of the officers of the executive government, and this is by no means confined to the popular party, but is manifested by many of those who support the prerogative of the Crown. His own investigations have shown that there are permanent causes for party bitterness, and "just grounds for dissatisfaction on the part of the people with the management of their affairs. These are, the total want of system and power in the conduct of government and the defective State and departmental administration." He proposes to take these up in detail, but first he has certain observations to make on the "general system of government."

"Wherever the constitution has vested in representative Bodies the privilege of making Laws, it becomes the duty of the Executive Govt. to initiate

and perfect the Measures necessary for the good of the Country, and above all to endeavour to give to the action of those Bodies the direction which will make their labours most efficient. This duty, one of the most important that can devolve on a Government, has hitherto been entirely neglected in Canada.

"In either House in England, upon the introduction of any considerable Measure or upon the demand on the part of the public for any extensive Change in the Laws, the Natural question is, what Course does the Government propose to pursue, and it is universally admitted, whoever may be in power, and by the opponents no less than the supporters, that a great and important measure can be properly undertaken only by the Govt. itself, or at all events the opinion of the Govt. must be clearly and decidedly stated. But here the opposite Course has been pursued. In the Legislature the Local Government has not only abstained from taking the initiative in measures of Legislation, but it appears to have studiously repudiated those Legitimate means of influence without which it could scarce be carried on.

"Thus, notwithstanding the presence in the Assembly of many Official persons, the conduct of measures recommended by the Crown or on which the Govt. entertained a very decided opinion has been generally left to individual members, no person being authorized or instructed to explain to the

House the views of the Government. Nay more, it has happened that on important questions respecting which the local Executive could not properly be indifferent, public Officers have been found taking the most prominent part on opposite sides, apparently without any reference to the opinions or wishes of the Govt. Thus the Govt. became chargeable either with indifference to the proceedings of the Legislature and the welfare of the province, or with weakness in not controlling its own Officers.

"In either case the effect on the public mind has been very injurious and the result that much defective Legislation, altho' complained of, has been uncorrected, while the Executive Govt. has in a great measure lost its legitimate influence over the action of the Legislature upon matters which have been under their deliberation.

"The evils resulting from this defective organization of Govt. are exemplified in the most striking manner in the present financial state of this Province. The Country has plunged headlong into debt without the slightest effort on the part of the Govt. to warn the Assembly of the improper and unwise course it was following. Nay, the very control over the expenditure when voted and even the examination of the Accounts have been removed from the Executive, and suffered without a protest to devolve on the popular branch of the Legislature—the very worst body for the performance of

such a duty. Yet while such has been the practice I have every reason for believing that in no place would the enunciation of the opinions of the Govt. produce more effect or be attended with more weight than in these Colonies. The Natural influence enjoyed by the Govt. is great.

"I find that in the House of Assembly many of the members are placeholders of one description or another and there is among the independent and middle party in the Colony, so far as I can judge, a strong desire to be made acquainted with the views and opinions of Govt. upon the different measures submitted to the Legislature."

Thus does Lord Sydenham put his finger upon the very essence of responsible government in practice, and yet not one in a thousand of those who were incessantly wrangling over the subject in Canada gave evidence of having any true conception of what it really involved or how it must be put in practice.

Another subject on which the governor reports much dissatisfaction, accompanied by more or less drastic demands for alteration if not for reform, was the composition and working of the legislative council. "The members usually selected for this Council have been either Officers of Govt. or Gentlemen resident within or near the Capital." The appointment of people from a distance has commonly proved a merely honorary distinction. The work of the council has been carried on by

five or six individuals resident in Toronto or servants of the Crown, "a mere clique in the Capital." The government, however, has had no vital constitutional connection with them. They have been "frequently opposed both to the Govt. and the Assembly and considered by the people hostile to their interests." Yet it is this body "in defence of which all the authority and power of the Imperial Parliament has been invoked." If the government had amended the composition of the council so as to bring it into some harmony with the assembly, he considers that the greater number of the complaints regarding it would not have arisen, and there would not have been any serious demand for an elective council. A movement in this direction had been made by Sir George Arthur, who had introduced twelve new members of council, selected from different parts of the country and regarded as having most weight and influence in their respective sections. The result has been very beneficial, many of these gentlemen attended the council this session; the debates have assumed a true parliamentary character, and the deliberations of the council have aroused interest and commanded respect. It is along this line of policy that hope for the future of the council lies.

The system hitherto pursued with reference to the executive council has been equally faulty. This body undertakes many duties which might perhaps be better discharged through the different depart-

ments of the government. At present, however, he is treating only of the executive functions of the council. It had been the practice of late to place responsibility for the acts and decisions of the whole government upon the executive council, thus relieving the governor from personal responsibility. At the same time the council is, as a rule, a stationary body, in no way selected as holding opinions in harmony with the majority in the assembly. Their opinions, indeed, are often known to be opposed to those of the people. These characteristics of the council have afforded one of the chief occasions for the cry for responsible government. It has been one of the regular assumptions of the home government that the governor himself, and not the executive council, must be responsible for his administrative acts. It may sometimes appear convenient for the governor to shelter himself behind the executive council, but it is poor policy. Moreover, the executive council should be brought into constant and essential harmony not so much with the governor as with the assembly, for the executive council must have the confidence of the people.

"With regard to the Administrative Depts. of the Govt., Your Lordship can scarcely imagine anything more ill digested than the system on which they have hitherto been conducted." Sir George Arthur, himself a man of experience in practical business, had made great efforts to in-

troduce a better system, but much still remained to be done and the case was urgent. That the reorganization must be undertaken by the governor, and could not be shifted to any other authority, appeared obvious to Lord Sydenham. In the first place, there was as yet no responsible body upon whom the duty could be laid, and in any case the governor considered it his duty. "The principal and more responsible duty of the Administration must of course under any system fall on the Governor assisted by his Secretary. It is proper and necessary that it should be so, since were it otherwise the Governor could not exercise that control over the administration of affairs which is the indispensable condition of his responsibility. But the manner in which this principle has been carried into practice is open to very serious objection." He then points out that in the early days of the province the governor and his secretary personally attended to all the departments of the administration, including the smallest details. This system had certain advantages which made for unity, efficiency, and economy. However, the stage for such a system had long passed, and yet the system itself had not been altered. The subordinate officers of government were still supposed to be directed by the governor in person, yet they were very much left to themselves, had become irresponsible, and had lost energy and efficiency. The result has been, as brought out in the investigations which are in

progress, that even in the financial department, where accuracy is most essential, there is great irregularity in the system and the checks provided for security have for years fallen into disuse. What losses may have resulted is not yet determined.

In the light of the very defective system of government which prevails in the provinces the discontent of the people is no matter for astonishment. Under proper remedies a better state of public feeling should in time be secured. This, however, raises the question of future administration, and therefore of reponsible government. Referring to Lord Russell's despatch of October 14th, in which he defines the attitude of the government on the subject, Poulett Thomson says that he thoroughly agrees with the principles there laid down. But he has found, in Upper Canada at least, that the views of the leading advocates of responsible government are not properly represented in England. He has found them on the whole to be fairly reasonable. There is no very accurate conception, however, of what is meant by the term responsible government; the general reference seems to be to the form of responsibility advocated by Lord Durham in his Report, but even there it is not defined. While it is quite evident that there can be no formal subordination of the governor to the council, he considers that both Lord John Russell and himself accept the spirit of Lord Durham's Report on the subject, and he thus continues:

"It has been my anxious desire to meet and discuss with the principal advocates of this demand their views and opinions. I have stated clearly to all with whom I have conversed the views so well expressed in Your Lordship's Despatch. I have declared that to attempt to make a council responsible to any one but the governor for advice tendered to him, is incompatible with Colonial Government, and can never receive the sanction either of H. M. Govt. or Parliament. At the same time, however, that this pretension must necessarily be resisted, I have stated no less forcibly that it was the earnest wish not merely of H. M. present Government, but must no less be the interest of every British Minister to govern the Colony in accordance with the wishes and feelings of the People; and that whilst the Governor could not shift any portion of his own responsibility upon the Council, it would of course be his best policy to select as members of that body, whose duty it would be to tender him advice for his consideration, men whose principles and feelings were in accordance with the Majority, and that it must equally be his policy upon all merely local matters where no Imperial Interest would be concerned to administer the affairs of the Colony in accordance with the wishes of the Legislature.

"To these opinions I have found a ready assent and I have received from all the warmest advocates for the watchword of responsible Govt. the assur-

ance that if these principles and those contained in Your Lordship's despatch respecting the tenure of Office in the Colony are carried practically into effect the object they seek would be entirely answered. And certainly as far as present appearances go, I am bound to believe them sincere; for since these declarations, and above all since the appearance of that Despatch which has given the greatest possible satisfaction, the excitement on the subject has altogether ceased. In spite, therefore, of the anticipated dangers ensuing from this cry, of the great excitement which prevailed, and of the disheartening appearance which the province presents at the present moment, I hope I am not too sanguine in believing that a better state of things may be arrived at. By the Union of the Provinces the important changes which are indispensable will be greatly facilitated. A good departmental organization may be effected, a more vigorous and efficient system of Govt. may be established, which, conducted in harmony with the wishes of the People, will at the same time be enabled to give a direction to the popular branch of the Legislature and also check the encroachments upon the powers and functions of the Executive, which have been carried so far and have produced so much mischief. Power will pass out of the hands of any small party whose possession, or supposed possession, of it has produced so much irritation, and the people will be satisfied that

whilst there is a steady determination on the part of the Home Govt. to resist unconstitutional demands, there is no desire either that the affairs of the Province should be mismanaged for the supposed benefit of a few, or that a minority opposed to them in feeling and principle should govern it in opposition both to themselves and to the Home Govt."

This confidential report at once fully analyzes the evils under which the Upper Province in particular was labouring, and clearly expresses the line of policy which the governor intended to follow. It shows also that he had the same rational and practical conception of responsible government as that laid down by his friend the colonial secretary. In his reply to this communication Lord John Russell stated that he had read it with the greatest interest, entirely approved of the interpretation of responsible government given in it and of the policy which he proposed to follow, and congratulated him in the warmest terms on the efficient manner in which he had begun his administration and the remarkable progress which he had already made.

As already explained, the very great personal influence exercised by Poulett Thomson as governor has been largely transferred to the prime ministers of the present day and their cabinets, and even in part to the leader of the Opposition. But it was just the vigorous exercise of the governor's influence in 1840-1, in bringing the Canadian administration

out of the exclusive but unorganized power of an irresponsible oligarchy and into harmony with the wishes of the people, as expressed by the majority of their representatives in the assembly, which permitted subsequent governors to leave more and more of the details and responsibilities of office to a departmentalized system of cabinet government. It was this system which Poulett Thomson himself inaugurated, and in doing so of necessity performed the functions of the first prime minister in Canada. The policy outlined in the foregoing important despatch expressed what is still the constitutional theory of the Canadian government, and it is this combination of theory and practice which permits of the maintenance without friction of the double relation of colonial self-government and imperial connection. At the same time, the changes here outlined had yet to be made, and the new system proposed had yet to be constructed and introduced. There was certain to be resentment and recrimination on the part of those who supported or profited by the anomalies and abuses so fully exposed.

One of the most radical difficulties which stood in the way of the introduction of the first elements of responsible government was encountered by the governor-general in the first session of the legislature. Responsible government is of course unworkable where the ministers of the Crown are divided on government measures, and yet, as we have seen, when the question of the union was

before the assembly both the attorney-general and the solicitor-general sided with the minority against the government measure, the attorney-general openly condemning the policy of the union. There having been as yet in Canada nothing corresponding to a united ministry, no necessity was felt that the chief officers of the Crown should follow a united and consistent policy on public measures. The conduct of the law-officers excited no surprise, not even among the advocates of responsible government. On the contrary, when it was seen that some of the officers of the Crown, as for instance Hon. R. B. Sullivan president of the council, had changed their views on the Union Bill, they were severely criticized for being influenced by the governor-general. Referring to this anomalous condition of Canadian politics, the governor in another confidential letter says of the action of the law-officers, "This is a proceeding subversive of all the principles upon which government can alone be administered under a representative system, however it may have been permitted in the colony before, and I should not for one instant have tolerated it under any common circumstances or hesitated to relieve these officers from their official connection with the administration . . . . but the peculiar position in which the treatment of this question last session had placed parties induced me to allow what I should have otherwise considered quite inadmissible." Owing also to the nature of

the subject before the assembly, the governor did not wish to appear as coercing the opinions of any one, even the officers of the Crown. Lord John Russell quite approved of the governor's attitude on this subject, and it was very evident that there would soon be a new order of things in the Canadian system. Hereafter the leading officers of the Crown must form a united ministry under the leadership at first of the governor himself. Should any of the members of the executive council not agree with measures supported by the governor and a majority of the council they would be expected to resign their positions in the government, and the enforcing of this was made possible by Lord John Russell's despatch on the tenure of office.

Naturally enough this new line of policy created consternation among the official heads of the Compact party. At the same time their mouths were temporarily stopped by their constant assertion that they were responsible not to a majority of the assembly but to the governor as representing the Crown. During the whole of the discussion on responsible government they had looked only to the reform element in the assembly as the one attacking party, and had uniformly employed the authority of the Crown as their defence. Now, to their dismay, the first practical movement towards responsible government emanated from their very citadel of refuge; they were at one stroke deprived

of their customary weapons of defence and attack. It was equally obvious, however, that the leaders of reform in the assembly and in the country, while generally supporting the position of the governor, were frequently nonplussed by his unlooked for moves; for they, too, found responsible government being introduced along unexpected lines. For the most part, the Reformers appear to have expected that the responsibility of the officers of the Crown to the assembly would mean simply a change in the *personnel* of these officers, but without any other radical change in the system of government. They had not apparently considered it essential to responsibile government that the members of the executive council should agree among themselves, or that they should come under anything like cabinet discipline. In fact the line along which responsible government could alone be effectively introduced was largely unforeseen by either element in Canada.

In the meantime, notwithstanding the passing of the resolutions in favour of the union of the provinces, the discussion of the details of the measure continued with unabated vigour. The Compact party had not relaxed its opposition to the measure and still hoped, with some show of reason, to defeat it in the imperial parliament, if not in the Commons yet at least in the Lords. John Beverley Robinson, chief-justice of the province, had gone over to England, ostensibly for the benefit of his

health, yet incidentally he prepared an exhaustive pamphlet in opposition to the union and the general policy of the Durham Report. Through the assistance of Conservative friends, he gained the ear of the Duke of Wellington, and persuaded him that should the union take place a combination of the French-Canadians and the Upper Canadian Reformers, or rebels, would undoubtedly gain the ascendency and the colony would be lost. The Duke took fire at this, and with his customary determination vowed to secure the defeat of the measure. Peel, on the other hand, his co-leader of the party, knew very well that the Duke was being misled, and refused to countenance opposition to the only practicable measure for a solution of the Canadian problem. The result was that the Canadian question caused for a time an estrangement between the chiefs of the Conservative party in Britain, much to the chagrin of their followers. When, however, the bill finally came up in the Lords, the Duke of Wellington, though personally opposing it, did not exert his influence to have it thrown out, as was doubtless within his power.

Immediately after the passing of the union resolutions in the legislative council, the chief opponents of the measure, Elmsley, Strachan, Allan, Crookshank, Macaulay, Vankoughnet, McDonnell and Willson, recorded their dissent. This turned on the points that the terms of the union resolutions did not sufficiently insure British connection, that

they recognized a certain equality between rebels and loyal British subjects, did not insure a property and educational qualification for members of the legislature, permitted the continuation of feudalism and the official use of the French language, did not insure that the seat of government should be in Upper Canada, and, finally, that the details of the measure were to be left to the wisdom and justice of the imperial government, when the present imperial government in their opinion possessed neither attribute. In consequence of the renewed agitation, the matter was again brought up in the assembly, where a number of resolutions were passed and an accompanying address sent to the governor. These related chiefly to the foregoing points brought forward by the minority in the legislative council. They also urged that a vigorous immigration from Britain should be promoted in order that the country might be made British in fact as well as in name, and that there should be a municipal system in Lower Canada similar to that in Upper Canada to provide for local works by local taxation.

In forwarding these resolutions to the home government His Excellency stated that most of them had been put forward at the time of passing the first resolution, but had been rejected. Even now they are to be treated mainly as suggestions. He himself is not prepared to go so far as they desire, especially in the matter of the English language and the qualifications for members.

## PARTIAL TO FRENCH-CANADIANS

It was quite evident that the governor, though determined to maintain Canada on the basis of a British colony, was, in the eyes of the British element of both provinces, much too partial to the French-Canadians. The Montreal *Courier* frankly regarded the impartiality of the governor as one of his objectionable qualities, as rendering him too favourable to the French-Canadians. The Compact element in Upper Canada would not concede his impartiality, claiming that he distinctly favoured French-Canadians and rebels. Yet notwithstanding all the enmity which he incurred to preserve to the French-Canadians their rights as British subjects, he was regarded by those who had the ear of the majority of them as an enemy of their race, chiefly because the equality which he would secure to them was that of *British* subjects.

The Lower Canadian point of view, hostile to the governor's policy, was represented in a series of resolutions passed at a special meeting in Quebec on January 17th, 1840. It was declared that no adequate steps had been taken to ascertain the feelings of the inhabitants of Lower Canada on the subject of the union, the resolutions of the Special Council were repudiated as not representative of Lower Canada, while the representatives of Upper Canada had been consulted through their legislature. Under the Constitutional Act, following the Quebec Act, the province had been divided so as to give each section its own laws and institutions. If now re-

united those radical differences in laws and institutions would be destroyed. Anticipating references to the obviously intolerable conditions of the province of late years, they naïvely expressed the assurance that if allowed to retain their provincial independence the people of Lower Canada would in future avoid all previous errors, would promote harmony between the different sections of the government, would not withhold supplies, would make arrangements to give fair representation to the English element in all parts of the province, and would agree to the raising of revenue to improve ship navigation from the sea to the Great Lakes. They had, however, no similar faith in the English element of Upper Canada, who, under the union, would tax the great majority of the people for the benefit of a mere section of the province, while the debt of Upper Canada, contracted for the improvement of that province, would be imposed upon the inhabitants of Lower Canada. They therefore maintained that the Constitutional Act should remain in force until the people of Lower Canada voluntarily agreed to change it. It was resolved that petitions to the queen and both Houses of Parliament founded on these resolutions should be prepared. These remonstrances were signed by forty-eight persons, representing many of the leading French magistrates, professional and business men of the city of Quebec, and also by a few English sympathizers, such as John Neilson editor

of the Quebec *Gazette* and T. C. Aylwin, who were bitterly opposed to the union.

As a counterblast to this movement, a meeting, promoted by the British and Irish citizens of Quebec, was held at the Albion Hotel, on January 31st. M. Le Mesurier was elected chairman, and a number of resolutions, preceded by strong speeches, were moved in favour of the union policy. On all points they expressed views directly opposed to those of the French resolutions. Obviously no solution of the Canadian problem could be afforded by any form of plebiscite. A plebiscite assumes national unity on all the main issues of political life, but it was exactly on the fundamental issues that no unity existed in Canada.

## CHAPTER XV

### THE CLERGY RESERVES

HAVING secured the primary object of his mission in obtaining from the existing legislative bodies in Canada an early and favourable verdict on the union measure, His Excellency was encouraged to employ his influence in further preparing the way for the successful introduction of a united legislature. Already the governor had abundantly proved the strength of his will and the vigour of his personality. Amid the shifting sands and baffling cross-currents of Canadian politics, it was with a happy relief that many who were not the special champions of this or that section of policy instinctively turned to a man with an intelligent and comprehensive grasp of affairs, who was sure of himself and of his destination.

During his rapid and effective canvass of the actual condition of the province, both as to men and affairs, the governor had learned that the most troublesome question in Upper Canada was that of the Clergy Reserves. As this was a question peculiar to Upper Canada it was particularly desirable that it should be disposed of, if possible, before the union came into effect. In the united legislature much would depend upon reducing the causes of friction and the multiplication of factions. The

governor's object in taking up the question immediately is thus stated by himself in his correspondence: "I am much wanted at Montreal; but I think I shall stay on here for three weeks or a month longer, in order to try my hand at the Clergy Reserves. My popularity is just now at its utmost height, and it may be possible to use it for that purpose. The House adjourns to-day, and I shall employ this week in trying whether I can bring people together upon any decent plan of settlement. But I confess I am not sanguine; for there are as many minds almost as men, and they are all dreadfully committed, both in the House and with their constitutents, upon this question, for twenty different projects. If it were possible, however, to come to some conclusion which would not be addressed against in England, it would be the greatest boon ever conferred on this province, for it causes a degree of excitement throughout it which is scarcely credible. I will at least make some attempt at it, if possible."

As the governor states, the question of the Clergy Reserves had been for many years a source of the most bitter feelings throughout the province. Designed originally to insure to the people of Upper Canada the teaching of the Protestant religion and a close dependence upon the British Crown, these reserves had done more than anything else to bring Christianity into contempt, and to loosen Britain's hold upon the colony. It is not possible

here to go into the prolonged and numerous controversies over this subject; it must suffice to indicate briefly the essential features of the question.

Following vaguely and roughly the idea of the Mother Country as to an established church, various provisions had been made in the American colonies, and subsequently advocated in Canada, for the assistance of the clergy in the colonies. The idea of setting apart a portion of the Crown lands for this purpose was discussed in relation to Canada before the framing of the Constitutional Act, the first drafts of which, however, contained no reference to the subject. This feature was introduced by special message from the king, and in the final form of the Act provision was made for setting apart in each province one-seventh of the lands thereafter to be granted, "for the Support and Maintenance of a Protestant Clergy within the same." The Church of England interpreted the "Protestant clergy" to mean the clergy of the Established Church of England; but when Presbyterian Churches were introduced the Church of Scotland laid claim to a share of the proceeds from these lands as an established church in the United Kingdom. This claim was brought up in the assembly in 1823-4 by Mr. William Morris, for years the champion of the Church of Scotland in the legislature. The assembly presented an address to the king asking for a recognition of the claims of the Church of Scotland. The controversy thus introduced be-

tween the two established churches, led to claims on behalf of other churches whose representatives pointed out that the Act specified only a Protestant clergy, and that the clergy of the established churches had no monopoly of Protestantism. This wider interpretation having been effectively propagated, another address was adopted by the assembly in 1826, declaring that the reserves "ought not to be enjoyed by any one denomination of Protestants to the exclusion of their Christian brethren of other denominations." Either, therefore, the Clergy Reserves should benefit every denomination, or, if that were deemed inexpedient, the proceeds "should be applied to the purposes of education and the general improvement of the province." The Earl of Bathurst, seeking to avoid the issue, replied that the assembly had misunderstood the intention of the Act; whereupon the assembly passed a series of resolutions strongly objecting to a monopoly of the reserves by the Church of England. It also drew attention to the very inadequate provision made for education, and declared that the proceeds of the Clergy Reserves ought to be "applied to increase the provincial allowance for the support of district and common schools, and the endowment of a respectable provincial seminary for learning, and in aid of erecting places of worship for all denominations of Christians." A bill was passed giving effect to these resolutions, but was rejected by the council.

In 1826 the assembly, in an address to the queen with reference to the provincial university, expressed the popular desire that the proceeds of the Clergy Reserves "should be entirely appropriated to purposes of education and internal improvement." They expressed the conviction also that the churches would be adequately provided for by private liberality. In 1829 and 1830 bills were passed by the assembly for the sale of part of the reserves, the proceeds to be devoted to the above purposes, but these also were lost in the council. The assembly reaffirmed its position in the resolution of 1831 and the accompanying address to the imperial parliament for an Act authorizing the sale of the Clergy Reserves, and the application of the proceeds "for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians." The close of the session checked this movement, but the subject was resumed the following session, and an address adopted praying for an application of the proceeds of the reserves to education only. In the session of 1832-3 a bill to re-invest the reserves in the Crown came to nought. In 1834 a bill for the application of the reserves to education was passed, but again lost in the council. In 1835 a similar bill was sent to the council, which instead of dealing with it adopted a series of resolutions stating the various claims made upon the reserves and praying the imperial parliament to settle the question. On

these being sent to the assembly they adopted a resolution declaring that their wishes and opinions remained entirely unchanged. In 1836 the assembly passed another bill for the sale of the reserves and their appropriation to general education. The council entirely reconstructed the bill so as to authorize the re-investing of the reserves in the Crown for the benefit of religion. The assembly restored it to its original form, and the council then rejected it.

In the new and strongly Conservative assembly of 1836-7, a resolution was adopted, by thirty-five to twenty-one, declaring it to be desirable that the Clergy Reserves should be employed " for the promotion of the religious and moral instruction of the people throughout this province." To this the council replied that if " moral instruction " meant nothing but religion, they would agree to it, and there the matter rested during that session. The following session, 1837-8, the assembly, after a heated debate, adopted a resolution advocating the re-investing of the reserves in the Crown " for the support and maintenance of the Christian religion within the province." A bill for that purpose was brought in, but, owing to the disturbed condition of the province due largely to this very question, was not proceeded with. In the first session of 1839 the question absorbed a great deal of attention and excited much bitterness. A series of resolutions was passed, by twenty-four to twenty, making provision for glebes for the Churches of

England and Scotland and the Wesleyan Methodists. The remainder of the reserves was to be sold and the proceeds invested in provincial debentures, the returns from which should be employed, first, in paying the clergymen of the Churches of England and Scotland a stipend not to exceed a hundred pounds; second, in paying a specified number of clergymen of the Wesleyan Methodist Church, in connection with the English conference, an allowance not to exceed a hundred pounds each, the surplus to be employed in the erection of places of worship throughout the province. A bill founded on these resolutions was passed, but, being considerably amended by the council, was afterwards rejected in the assembly, and a resolution adopted declaring that the Clergy Reserves should be sold and the proceeds paid over to the receiver-general for the current uses of the province. It was also resolved that the imperial parliament be requested to pass an Act placing the funds arising from past sales at the disposal of the provincial legislature. A bill based upon these resolutions was, after much close voting, passed by the casting vote of the speaker. It was amended in the council to vest the proceeds in the imperial parliament to be applied to "religious purposes." The amendments were finally accepted in the assembly by a majority of one, on the last day but one of the session, when some of the opponents of the council's amendments had left town. This bill

was sent to Britain, but the law-officers of the Crown, on technical grounds, held it to be unconstitutional, and as there was little prospect of its effecting a settlement, even if sanctioned, it was disallowed and the matter referred back to the local legislature.

Such was the stage at which this vexed question had arrived when Lord Sydenham faced the problem which had been the despair of a long line of preceding governors, who could neither prevent its constant reappearance nor find any acceptable solution for it. In dealing with the question, not only were the assembly and council both to be faced, with their strongly divergent views and interests; but, even should they be brought into sufficient harmony on any measure, it would still have to run the gauntlet of the home government, itself divided on such measures as between the Lords and Commons. Moreover, it was certain that any measure which diverted the proceeds of the reserves from religion, or even from the Church of England, would have little prospect of gaining the sanction of the House of Lords. In casting about for some solution of this chronic problem, a practicable rather than an ideal measure was the only one worth attempting. The history of the question obviously indicated that the existing House of Assembly was, for Upper Canada, an unusually Conservative one, and thus inclined to concede much towards the convictions of the council, and

thereby also to secure concessions from the council.

Having sized up the situation and mapped out his line of policy, on December 23rd Governor Poulett Thomson sent his message to the House of Assembly, giving the reasons for the disallowance of the Act of the previous session, and declaring that he would shortly call the attention of the assembly to this subject. Accordingly, on January 6th, 1840, he sent to the assembly a message on the subject of the Clergy Reserves. He frankly acknowledged the difficulty of the subject, owing to the varied convictions and interests not only in Canada but in Britain also, where any measure dealing with a problem involving a modification of the Constitutional Act must be submitted to both Houses of Parliament. At the same time there was an extreme necessity for disposing of the subject, in view of the probable reunion of the provinces. He had, therefore, directed a measure to be prepared for their consideration which provided that the remainder of the Clergy Reserves should be sold and the proceeds funded, and that the annual return should be distributed, according to specified terms, between the Church of England, the Church of Scotland, and such other religious bodies as were recognized under the laws of Upper Canada, for the support of religious instruction in the province. Such a solution he considered would be in accordance with the original object of the

appropriation, and, if accepted by the legislature in Canada, would probably insure a final settlement of the question. On the same day Solicitor-General Draper brought in the promised bill for the disposal of the Clergy Reserves and the distribution of the proceeds.

It was quite evident that the measure would be very distasteful to the whole of the reform element, who had just assisted the governor so effectively in passing the union resolutions. The governor was abundantly aware of this, but considered that there was not the slightest possibility of getting a bill, drawn on the usual reform lines, through either the legislative council in Canada or the House of Lords in England. Even to the measure as introduced he knew that there would be strenuous opposition on the part of the friends of the English Church, and even of the Church of Scotland. He knew that all his influence and persuasive powers would be required to meet the opposition of the more extreme parties on both sides, but the solution offered seemed to him the only one which had a chance of passing.

The attitude of the Reformers had already been expressed in certain resolutions passed at a meeting in Toronto, on December 30th, Dr. Baldwin in the chair. In these the Reformers in the assembly were commended for supporting the union policy of the governor-general. It was declared, however, that the only acceptable solution of the Clergy Reserves

question would be the application of the proceeds to either education or public improvements. It was maintained also that on the subject of the Clergy Reserves the present legislature did not properly represent the people of the province. Both Baldwin and Hincks had evidently been consulted on the subject of the reserves and were informed in advance of the settlement to be proposed by the governor. The Toronto *Examiner*, Hincks's paper, announced in advance what the character of the new bill was likely to be. It condemned, however, any such settlement, though admitting that the House of Lords in England would scarcely consent to a diversion of the reserves from religious uses. At the same time it was declared to be the duty of the legislature to insist upon a settlement acceptable to the people of Canada.

When the bill was brought in, the *Examiner* declared that it had supported the general policy of the new governor, and would not even now actively oppose his administration, but maintained that he had made a great mistake in his plan for settling the Clergy Reserves. As the discussion on the measure continued, it was evident that the governor was winning over quite a number of Reformers who, while doubtful of the wisdom of this measure, would accept it as a settlement in default of anything better. On the other hand, the majority of the Conservatives found in this measure at least one item in the programme of a Liberal

governor which they could accept, even with qualifications. It was not, of course, to be expected that such a burning issue could be disposed of without much acrimonious debate. Not only did the heathen rage, but the prelates also, for Bishop Strachan and the uncompromising Anglicans were as incensed at the inclusion of dissenters as the secularists were at the participation of any clergymen. The country was accustomed to bitter controversies of this kind without a settlement, but now, owing chiefly to the wisdom and tact of the governor alike in the framing of his measure and in the enlisting of supporters, a settlement was effected, for in the end the bill successfully passed both branches of the legislature. But it had still to receive the sanction of the home government, and Strachan hoped to defeat it in the House of Lords. In a private letter to Lord John Russell, the governor wrote, "If the Lords reject the Bill, upon their heads be the consequences. I will not answer for the Government of the Province, if the measure should come back. In case there is any blunder made by the lawyers, you must re-enact the Bill in England; for here it cannot come again without the most disastrous results." As the Act undoubtedly involved an alteration of certain features in the Constitutional Act of 1791, it was judged to have exceeded the powers of a colonial legislature. But the imperial parliament, following the governor's advice, itself passed a bill effecting the same purpose, and thus, for a number

of years at least, the Clergy Reserves question was disposed of. It might, indeed, have been permanently disposed of had not the irreconcilable Bishop of Toronto insisted upon re-opening the question in his efforts to secure the whole of the endowment for his own Church, with the result that, having roused the secularist element once more, Hincks was enabled to achieve as prime minister what he had advocated as editor of the *Examiner*, and in the end the Church lost everything.

During this last session of the legislature of Upper Canada, Sydenham had been experimenting with the new system of an organized cabinet and responsible government, though its complete expression could not be secured until the passing of the Union Bill. At the same time, though ingenious efforts were made to draw from him definite statements on the theoretic aspects of responsible government and British connection, knowing quite well that this was a matter calling for a practical and not a theoretic solution, he adroitly avoided precise definitions, simply stating "that he had received Her Majesty's commands to administer the government of these Provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them."

The governor's experience of the session, the attitude which he had adopted, and the contrast

of strong government leadership under a cabinet system with the previous methods of conducting the provincial business, are well brought out in a private letter to Lord John Russell. "I have prorogued my Parliament, and I send you my Speech. Never was such unanimity! When the Speaker read it in the Commons, after the prorogation, they gave me three cheers, in which even the ultras united. In fact, as the matter stands now, the Province is in a state of peace and harmony which, three months ago, I thought was utterly hopeless. How long it will last is another matter. But if you will settle the Union Bill as I have sent it home, and the Lords do not reject the Clergy Reserves Bill, I am confident I shall be able to keep the peace, make a strong Government, and get on well. It has cost me a great deal of trouble, and I have had to work night and day at it. But I was resolved on doing the thing. . . .

"The great mistake made here, hitherto, was that every Governor threw himself into the hands of one party or the other, and became their slave. I have let them know and feel that I will yield to neither of them—that I will take the moderate from both sides—reject the extremes—and govern as I think right, and not as they fancy. I am satisfied that the mass of the people are sound—moderate in their demands, and attached to British institutions; but they have been oppressed by a miserable little oligarchy on the one hand, and

excited by a few factious demagogues on the other. I can make a middle reforming party, I feel sure, which will put down both.

"You can form no idea of the manner in which a Colonial Parliament transacts its business. I got them into comparative order and decency by having measures brought forward by the Government, and well and steadily worked through. But when they came to their own affairs, and, above all, to the money matters, there was a scene of confusion and riot of which no one in England can have any idea. Every man proposes a vote for his own job; and bills are introduced without notice, and carried through *all* their stages in a quarter of an hour! One of the greatest advantages of the Union will be, that it will be possible to introduce a new system of legislating, and, above all, a restriction upon the initiation of money-votes. Without the last I would not give a farthing for my bill: and the change will be decidedly popular; for the members all complain that, under the present system, they cannot refuse to move a job for any constituent who desires it."

At the close of this session a re-adjustment of offices took place, the chief object of which was the governor's well-known purpose to bring the members of the government into greater harmony and unity on public issues. The previous record of Mr. Hagerman, the attorney-general, was notoriously at variance with the more liberal policy introduced

by Governor Poulett Thomson. Though he had accepted the Clergy Reserves Bill with a fairly good grace, it was quite obvious that his position, while embarrassing to himself, would bring little strength to the government. It was arranged, therefore, that Judge Sherwood should retire from the bench with a pension, and that Mr. Hagerman should succeed him, while Solicitor-General Draper becoming attorney-general, Mr. Robert Baldwin, the acknowledged leader of the Reformers, should enter the government as solicitor-general. This arrangement was duly sanctioned by the home government and went into effect.

## CHAPTER XVI

### A SURVEY OF HIS WHOLE DOMAIN

LEAVING the administration of Upper Canada in the hands of Sir George Arthur, immediately on the close of the session the governor returned to Montreal and summoned the Special Council, in order to dispose of such matters of purely local concern as required immediate attention, or as would only have proved an embarrassment among the more general matters which were certain to crowd the first session of the united legislature. That the political outlook in the Lower Province was not of a very promising character may be gathered from the following private letter which summarized the situation.

"I have been back three weeks, and have set to work in earnest in this province. It is a bad prospect, however, and presents a lamentable contrast to Upper Canada. There great excitement existed; but at least the people were quarrelling for realities, for political opinions, and with a view to ulterior measures. Here there is no such thing as political opinion. No man looks to a practical measure of improvement. Talk to any one upon education, or public works, or better laws, let him be English or French, you might as well talk Greek to him. Not a man cares for a single prac-

tical measure—the only end, one would suppose, of a better form of government. They have only one feeling—a hatred of race. The French hate the English, and the English hate the French; and every question resolves itself into that and that alone. There is positively no machinery of government. Everything is to be done by the governor and his secretary. There are no heads of departments at all, or none whom one can depend on, or even get at; for most of them are still at Quebec, and it is difficult to move them up here, because there are no public buildings. The wise system hithereto adopted has been to stick two men into some office whenever a vacancy occurred; one Frenchman and one Britisher! Thus we have joint Crown surveyors, joint sheriffs, etc., each opposing the other in every thing he attempts. Can you conceive a system better calculated to countenance the distinction of race? . . . . The only way, under these circumstances, in which I can hope to do good, is to wait for the Union in order to get a Government together; and that I shall do. Meantime, what I am chiefly anxious about now is to get a good division of the province for judicial purposes, which I shall make fit in with the proposed municipal districts. I hope to get an entirely new system of judicature, introducing circuits for the judges, and district courts for minor civil causes. I have already established stipendiary magistrates; and a rural police in this district, com-

menced by Lord Seaton, I mean to extend generally over the whole province, in a few weeks, by an ordinance."

In accordance with this programme, a couple of draft ordinances to regulate the practice of the courts of judicature were early presented to the Special Council. The first, which related to the superior courts, was drawn by Chief-Justice Stuart, and was printed for distribution. The criticisms received were carefully considered, and the ordinance when passed gave general satisfaction. The second provided for the establishment of minor or district courts, as in Upper Canada. Another ordinance which gave rise to much debate and petitions *pro* and *con*, was one for incorporating the Seminary of St. Sulpice in Montreal. The object of this was to permit the seminary to obtain an equitable commutation of its dues, and thus extinguish feudal tenures in the Island of Montreal. In the estimation of a number of influential English citizens of Montreal, this ordinance was regarded as a further evidence of the governor's undue partiality for the French-Canadians. He considered, however, that the commission of 1836 had established beyond question the equitable claim of the seminary. Ordinances were also passed re-establishing civic corporations for the cities of Quebec and Montreal, the former charters having expired during the late troubles. There were altogether twenty-one ordinances passed, including two railroad measures. The

council was prorogued on June 28th, and the governor thus briefly reported the proceedings. "I have closed my Special Council, and send you home my ordinances. They have done their work excellently well, thanks to Stuart and my new solicitor-general, who turns out admirably. . . . . I have passed some, but not all the measures which are indispensable previous to the Union. The Registry Bill still remains; but that I shall get through in the autumn, after it has been for two or three months before the public, which was the course I adopted with the Judicature Bill, and found most advantageous. Education also stands over; for it is impossible to do anything in that until we get the municipalities erected in the districts."

The new measures were received with very mixed feelings, and undoubtedly the governor was quite justified in his remark that "nothing but a despotism could have got them through. A House of Assembly, whether single or double, would have spent ten years at them." The Quebec *Gazette*, which was so bitterly opposed to the Union Bill and to responsible government, preferring government from England rather than by any popular majority in Canada, was nevertheless strenuously opposed to the despotic system which came from England. In summing up a lengthy criticism of the work of the governor and Special Council the *Gazette* said, "The system of legislation by a Governor and Council

prudently and discreetly managed, might have been beneficial, for a time; but it has been completely worn out, in little more than two years; thereby furnishing another striking instance that power, even in the hands of enlightened and liberal men, soon degenerates into the grossest abuse when there is no present and ever-active check." Nevertheless, the *Gazette* continued to rail at all forms of responsible government.

Immediately after proroguing the Special Council at Montreal, the governor-general set out for Quebec on his way to the Maritime Provinces, which were also committed to his care. In Nova Scotia, in particular, an embittered agitation was in progress, centring around the inevitable question of responsible government. Mr. Joseph Howe was the leading exponent of the new policy on that subject. It was understood in Canada that "the object of His Excellency's visit to Nova Scotia is to meet the Legislature of that Province, and explain the views entertained by Her Majesty's Government on the subject of Responsible Government." As a matter of fact, the friction between the lieutenant-governor, Sir Colin Campbell, and the executive council on the one hand, and the house of assembly on the other, had reached a crisis. On April 30th Lord John Russell requested the governor-general to proceed to Nova Scotia "to inquire into the causes of these lamentable dissensions; but while Her Majesty is determined not to admit of

any thing derogatory to the honour or reputation of Sir Colin Campbell, Her Majesty will be disposed to listen favourably to any suggestions you may be able to make for the better government, and future contentment of a portion of her people from whom the Queen and her Predecessor have received so many proofs of loyalty and attachment." In reply the governor promised that, though sorely needed in Canada, he would meet the colonial secretary's wishes. In a confidential despatch he stated that, so far as he could learn from his communications with that province, there were few, if any, vital issues at stake, save only the lack of personal harmony between the members of the executive council and the assembly. He regarded the situation as but a striking instance of the unwisdom of attempting to maintain in office persons who are objectionable to the majority of the assembly. The colonial government, legislative and executive, should be a unit on all important matters and command the confidence of the popular majority, so that the advice which they tender to the governor may be taken as expressing the wishes of the people. It will then be a matter of imperial policy as to whether or not the advice of the colonial government should be taken, and for that decision the governor alone must be responsible, not the colonial executive.

The action taken by the Nova Scotia assembly, in the present instance, rendered it difficult to

either refuse or concede their demands. So far as he could judge, before studying the situation on the ground, his recommendation would be, "to send out a Civil Governor to dissolve the Assembly; to re-model the Executive Council upon its true principle, and to deal finally with the state of things as it may then arise." He closes the despatch with this significant remark, "The state of things indeed affords to my mind only another instance of the mischief which must inevitably arise from entrusting the delicate and difficult task of governing with a popular assembly to persons whose previous pursuits have left them practically unacquainted with the management and working of such bodies."

Arriving in Halifax, July 9th, he was sworn in as governor the same day. The next day he held a levee at Government House, received and replied to the usual addresses, and immediately plunged into the details of the provincial troubles. Consulting the leading men of all parties, he found the political situation to be very much what he had anticipated in his despatch from Montreal. There had been no quarrel with the lieutenant-governor personally, nor over any measures of vital public interest. The difficulties were entirely due to jealousy as to the division of power and patronage between the assembly and the executive council, a body established only three years previously. Upon the governor alone devolved the task of defending the executive council, which according

to the governor-general was well-nigh impossible of defence. It was composed of eleven men, only two of whom had seats in the assembly, and the majority did not possess the confidence of the people, being a constant source of weakness instead of strength to the administration. The legislative council also had been a source of weakness, its members having been selected too exclusively from the party opposed to the majority of the assembly. Here again, as in Canada, he found the central defect to be the lack of a well-organized government in touch, through the assembly, with the needs and wishes of the people. This lack of the basal principle in responsible government he expresses as follows: "By far the most serious defect in the Government is the utter absence of Power in the Executive, and its total want of energy to attempt to occupy the attention of the Country upon real improvements or to lead the Legislature in the preparation and adoption of measures for the benefit of the Colony. It does not appear to have occurred to any one that it is one of the first duties of the Government to suggest improvements where they are wanted. That the Constitution having placed the power of Legislation in the hands of an assembly and a Council it is only by acting through these Bodies that this duty can be performed, and that if the proper and legitimate Functions of Government are neglected, the necessary result must be, not only that the improve-

ments which the People have a right to expect will be neglected and the prosperity of the Country checked, but that the Popular Branch of the Legislature will misuse its power and the popular mind be easily led into excitement upon mere abstract Theories of Government to which their attention is directed as the remedy for the uneasiness they feel."

He found that his analysis of the situation in Nova Scotia and his proposed remedies were entirely approved by Joseph Howe, then editor of the *Nova Scotian* and leader of the popular party in the assembly. "I have received from that gentleman and his friends and also from many others who are considered as of the opposite party, the assurance of their readiness entirely to concur in the course which I propose to adopt with regard to the formation of the Councils, and lend their hearty co-operation to the harmonious working of the system." The central principle in the new system proposed is thus expressed: "I consider that principle to be, that seats in the Executive Council shall be held only by the Officers of the Government or by Members of either branch of the Legislature. That the leading Officers of Government should take their fair share of responsibility by becoming Members of it, if they wish to retain their Offices. That where it may be expedient to give Seats in the Council to Gentlemen not connected with Office, leading men should be

selected, giving a fair preponderance to those whose general opinions concur with those of the majority of the assembly without excluding altogether others, which in a small Colony, where parties are not and cannot be ranged as they are in England, seems advisable." He then goes on to specify in detail the changes to be effected, preferably by a new governor. He closes this long confidential despatch with a clear statement of the position which a governor-general must occupy in the colonial system of North America, and which clearly indicates that in the initial stages at least of responsible government, the governor must be his own prime minister. "It appears to me indispensable to the good conduct of Colonial Government that the initiation should be taken by the Executive in all measures for the improvement of the Province, and this can be effectually done by no one but the governor himself. He is in fact the Minister, and unless, therefore, he is from his habits inclined to consider questions of Civil Government, and has some acquaintance with the mode in which, first of all, the task of preparing measures is to be performed by those who hold Office under him, and next with the working of popular institutions, it is in vain to expect either that harmony can long be maintained, or that the Colony should prosper as it ought to do. Moreover he must be responsible for selecting his own cabinet. . . . .

"If the Queen's Representative is to be responsible to Her Majesty and Her Advisers, and not to his Council—if the people are to look to him, and not to any responsible advisers of his in the Colony, he must act as a minister does in England. He must feel it to be his first duty to endeavour to act in harmony with the wishes of the people, he must impart vigour to every branch of his Government, he must distribute his subordinate Officers in the way which may be most acceptable to the Legislature, thro' whom he has to act, and he must shew the Colony that he will himself take the lead in all that may appear to be for their interest."

What Lord Sydenham did not fully foresee was that when this system of organized cabinet government was once definitely introduced, the function of acting "as a minister does in England" would be chiefly transferred to a minister in Canada, leaving to the governor the purely formal function of representing the home government in sanctioning that which is "in harmony with the wishes of the people." Thus would be avoided that which Lord Sydenham recognized as the chief difficulty in his conception of a governor as prime minister; namely, what was to become of the governor when his ministry was no longer acceptable to the people? If the prime minister in England may be driven from power by a vote of want of confidence, must not a Canadian minister, even if governor, suffer

the same fate? Sydenham admitted that he ought to be recalled, but saw the difficulty, from the point of view of imperial connection, of recalling a governor as the result of an adverse colonial verdict upon his ministry. But by separating the functions of colonial prime minister, once they were firmly established, and imperial governor, the fall of the colonial minister would not involve the recall of the colonial governor. It is true the governor would thenceforth represent but a relatively small portion of his previous combination of functions, but he would be the visible symbol, as the king is in Britain, of the continuity of government amid the changes of ministries and the dissolution of parliaments; the visible symbol also of the unity of the Empire. The permanence and unity were preserved by Lord Sydenham's plan for the introduction of a responsible cabinet government with the governor as the first prime minister. He thus adroitly bridged the chasm between a line of governors who recognized little necessity for accepting advice, and a line of governors who were to recognize as little necessity for giving any.

While in Halifax, the governor-general received a visit from Sir John Harvey, lieutenant-governor of New Brunswick, conveying the desire of the people of New Brunswick that he should visit that province. Lord Sydenham accordingly paid a short visit to St. John and Fredericton. There he found a governor and a government fulfilling his

ideas of a true colonial administration. "There reigns in New Brunswick the most perfect tranquillity and an entire harmony between the Executive Government and the Legislature. This state of things is greatly owing to the course which has been pursued by the Lieutenant-Governor whose personal popularity appears to be very considerable and no doubt much is due to the good sense of the Inhabitants. The happy effects of it are to be seen in the rapid advance which the Province is making to wealth and prosperity." Sir John Harvey had already expressed his views on responsible government, and they very closely corresponded with those of Lord Sydenham.

Returning to Halifax on July 26th, he set out for Quebec on the twenty-eighth, reaching that city on the thirty-first. On his way to Montreal he passed through the Eastern Townships. Everywhere he put himself in personal touch with the people, receiving most hearty responses. Realizing fully the political advantage of such a course, and finding that the Union Bill had now passed the British parliament, he immediately set out upon an extensive tour of the western province. This proved of the utmost importance to him in that first trying session of the united legislature. The tour occupied the greater part of August and September, 1840. His experiences are best given in his own words, taken from a private letter which deals with various incidents more freely

than his formal despatches, though these are also enthusiastic over the future prospects of the province.

"This tour has indeed been a triumph—a series of ovations. You can conceive nothing more gratifying than my progress through Upper Canada, especially in the west; nor, indeed, with one exception, anything more fortunate; for I have had beautiful weather and good health, and have been able to keep my time very exactly at the different places, so as to receive all intended honours, and satisfy and please the people.

"That exception was Lake Erie. The Government steamer in which I embarked was altogether the filthiest and vilest concern which ever floated on water. *Admiralty, not* Provincial, of course; and my patriotism prevented me from hiring a Yankee steam-boat instead, which would have conveyed me safely and comfortably. We had a storm on the lake, and got very nearly lost; and what was as bad, I could put in nowhere to see the coast, but was obliged to run for Amherstburg. The same thing happened on Lake Huron, where the sea runs as high as in the Bay of Biscay; and, to complete the catastrophe, in running up the river Thames to Chatham away went the rudder and tiller, both as rotten as touchwood. So I abandoned the *Toronto* to cut a fresh rudder out of the woods, and was right glad to get the rest of my tour by land.

"I had a carriage on board and plenty of saddle-horses, and as the roads are not impassable at this time of year, on horseback at least, I made out admirably.

"Amherstburg, Sandwich, River St. Clair, Lake Huron, Goderich, Chatham, London, Woodstock, Brantford, Simcoe, the Talbot Road and Settlement, Hamilton, Dundas, and so back to Toronto. You can follow me on a map. From Toronto across Lake Simcoe to Penetanguishene on Lake Huron again, and back to Toronto, which I left last night again for the Bay of Quinté. *All* parties uniting in addresses at every place, full of confidence in my government, and of a determination to forget their former disputes. Escorts of two and three hundred farmers on horseback at every place from township to township, with all the etceteras of guns, music, and flags. What is of more importance, my candidates everywhere taken for the ensuing elections; in short, such unanimity and confidence I never saw, and it augurs well for the future. Even the Toronto people, who have been spending the last six weeks in squabbling, were led, I suppose by the feeling shown in the rest of the province, into giving me a splendid reception, and took in good part a lecture I read them, telling them that they had better follow the good example of peace and renewed harmony which had been set them elsewhere, instead of making a piece of work about what they did not understand.

"The fact is, that the truth of my original notion of the people and of this country is now confirmed. The mass only wanted the vigorous interference of a well-intentioned Government, strong enough to control both the extreme parties, and to proclaim wholesome truths, and act for the benefit of the country at large in defiance of ultras on either side.

"But, apart from all this political effect, I am delighted to have seen this part of the country; I mean the great district, nearly as large as Ireland, placed between the three lakes—Erie, Ontario, and Huron. You can conceive nothing finer! The most magnificent soil in the world—four feet of vegetable mould—a climate certainly the best in North America—the greater part of it admirably watered. In a word, there is land enough and capabilities enough for some millions of people, and for one of the finest provinces in the world; the most perfect contrast to that miserable strip of land along the St. Lawrence, called Lower Canada, which has given so much trouble.

"I shall fix the capital of the United Province in this one of course. Kingston will most probably be the place; but there is everything to be done there yet, to provide accommodation for the meeting of the Assembly in the spring."

The addresses which he everywhere received expressed confidence in the new administration and renewed hope for the future. His replies were no mere permutations on formal platitudes, but were

filled with vital principles and a vigorous handling of the chief issues before the country, adapted to local needs. His frank yet courtly manner, his shrewd appreciation and sympathetic treatment of the real needs of the people, and his magnetic personality quite captured the hearts and confidence of the people, who recognized in him an entirely new style of governor who dealt with Canadian problems from a new, popular, and firsthand point of view.

He was not so successful, however, with the people of Lower Canada, who, for various reasons, were less fortunately situated for taking an independent view of the problems of the country, and were more completely under the control of their former leaders. "Great efforts are made by some few of the old Leaders of the Papineau Party to mislead the people, and they are seconded in a most mischievous manner by Mr. Neilson of Quebec. But altho' they may be successful in imposing on the credulity and ignorance of the *habitants* so far as to obtain the return to the United Legislature of a small party of violent men opposed to British connection, I am satisfied that they will not again induce the Peasantry to support any attempt at disturbance."

## CHAPTER XVII

### CONSUMMATING THE UNION

LORD John Russell, in a despatch of July 24th, had announced to the governor-general that the royal assent had been given to the Union Bill, and asked him to prepare for the introduction of constitutional government according to that Act. The Union Act permitted for the first time in Canada, or indeed in any colony, a representative assembly to control the voting of supplies, while the executive government alone introduced money bills and was charged with the administration of the government, including the appointment of all officials. Hitherto "in many of our colonies these functions have been mixed or reversed, to the great injury of the public weal."

The passing of the Union Act also involved the issue of a new commission to the governor of the united province. As it was understood, however, that the governor's commission could not be issued before the appointment of the legislative and executive councils, Poulett Thomson was asked to send home nominations for these positions. Moreover, the governor's commission and the royal instructions which always accompanied it, would determine in many important respects the manner in which the powers conferred under the Union

Act were to be exercised. But the forms of the governor's commission and the royal instructions had been but slightly altered since 1791, and as the home government was naturally not very familiar with local Canadian conditions, Poulett Thomson was invited to furnish suggestions for his own commission and instructions,—a unique mark of confidence evidently due to his former connection with the government. A new seal for the province was also reported to be in process of execution.

This juncture in the country's affairs and in the fortunes of the governor-general was naturally regarded as the fitting occasion on which to acknowledge the important and effective services which Poulett Thomson had already rendered in connection with the union of the Canadas and the re-establishment of colonial government upon a stable basis. Hence, before the issue of his new commission as governor-general, Poulett Thomson was elevated to the peerage with the title of Baron Sydenham of Sydenham in Kent and Toronto in Canada.

As already indicated, a few measures still remained to be brought before the Special Council before the consummation of the union. For the consideration of these Lord Sydenham, immediately after his return from the west, summoned, for the last time, the members of the Special Council. The most important measure to come before it was an ordinance for the establishment of

municipal institutions, though the governor-general had not expected to bring this before any legislative body in Canada. The draft bill for the union of the Canadas which he had sent to the colonial secretary contained full provision for a municipal system. The importance which Lord Sydenham attached to this feature of the Union Bill is thus vigorously expressed on learning that these clauses were in danger of being dropped, "No man in his senses would think for a moment of the Union without its being accompanied by some sort of Local Government, in which the people may control their own officers, and the executive at the same time obtain some influence in the country districts.

"Without a breakwater of this kind between the Central Government and the people, Government with an Assembly is impossible in Lower Canada, and most difficult in Upper Canada; and it is absurd to expect that any good system can or will be established by the Provincial Legislature, even if time admitted of its being proposed to them. No colonial legislature will divest itself of the great power it now possesses of parcelling out sums of money for every petty local job; and although by the Union Bill the initiative of money votes will be confined to the Government, this provision will become null, because the moment that the executive is called upon to provide for all these local expenses, with the details of which it cannot be

acquainted, it must renounce the task, and leave it in the hands of the members themselves. A distinct principle must be laid down that *all* purely local expenses be borne by the localities themselves, settled and voted by them, and that only great works be paid for out of the provincial funds.

"Nor is it only with reference to the Canadas that it was all-important for Parliament itself to have laid down the principle and details of Local Government. Since I have been in these Provinces, I have become more and more satisfied that the capital cause of the misgovernment of them is to be found in the absence of Local Government, and the consequent exercise by the Assembly of powers wholly inappropriate to its functions. Members are everywhere chosen only with reference to the extent of job for their particular district which they can carry. Whoever happens to lead a party in the House of twelve or fourteen members, may at once obtain a majority for his political views by jobbing with other members for votes upon them, or, by rejecting their jobs as the penalty of refusal, oust them from their seats. This, indeed, is admitted by the best men of all parties, and especially of the popular side. But it is equally admitted that they cannot *of themselves* change the system. In both Nova Scotia and New Brunswick I was told that if Parliament laid down a system of Local Government for Canada, then it was likely that in these

Provinces too the Assembly would adopt it; but, without that, it would be impossible to get it done. So, by this step, if Lord John has really been forced to take it, not only has all chance of the Union Bill working well been destroyed, but also the hope of a change of system throughout all the Provinces. Last year, if you remember, we made it a *sine qua non* to the Union; indeed, our scheme was altogether based on it. The establishment of Municipal Government by Act of Parliament is as much a part of the intended scheme of Government for the Canadas as the union of the two Legislatures, and the more important of the two. All chance of good Government, in Lower Canada especially, depends on its immediate adoption."

But when the Union Bill came before the British parliament it was found that there were such strong objections to the municipal clauses in it that Lord John Russell considered it expedient to drop them rather than jeopardize the whole measure. In his despatch to Sydenham, September 14th, he declared that "nothing but a wish to prevent a division among those who supported the Union Bill, induced me to refrain from pressing the municipal clauses on the House of Commons." And in a later despatch, when he had received Lord Sydenham's remonstrances on the omission of the municipal clauses, he explained that, on the one hand, he could find no Canadian authority in support of them, while Peel and Stanley, though

friendly enough to the general union measure, strongly opposed its municipal features, as did also Mr. Gillespie and others well acquainted with Canada. Lord Sydenham received formal instructions, however, to bring before the united legislature the question of municipal government, "in such form and manner as you shall judge most advisable for the attainment of an object to which Her Majesty's government attach the highest value."

Accordingly, Lord Sydenham took advantage of the closing session of the Special Council to introduce a general municipal system into Lower Canada, outside of the cities of Quebec and Montreal already provided for by special ordinances. This was accomplished through an "Ordinance to provide for the better internal Government of this Province by the establishment of Local and Municipal Authorities therein." Partly out of respect for the prejudices of those who balked at dangerous democratic innovations, and partly that the central government might hold the leading-strings while the infant municipal authorities learned to walk, the central government retained considerable control over the official appointments and financial obligations of the new municipalities. Lord Sydenham was strongly impressed with the necessity for thus providing numerous local schools for the training of the people in the elements of responsible government. Up to this stage, as he had

observed, the people had received no training in those habits of self-government which were so necessary in enabling them to properly choose their representatives in parliament; nor was there any opportunity furnished for testing at close range the talents and quality of candidates for seats in the legislature. Having little or no experience of the difficulties of government, the common people were inclined to blame the central authorities for all that went wrong in purely local affairs.

When we think of the pressure put upon the Dominion and provincial governments at the present time for the construction of local works, and the consequent temptation to the bribery of constituencies, we can understand what Lord Sydenham saved the country, when, for the combined provinces of Quebec and Ontario, he relieved the central government of responsibility and patronage in the case of the multifarious works and services which were devolved upon the district councils created under his comprehensive municipal system. The system was afterwards extended, with a few amendments, to Upper Canada, under an Act of the united legislature. An outline of the system will be given when we refer to the general municipal Act.

Another important measure dealt with at this last session of the Special Council, related to the establishment of offices for the registration of titles to land. This had been the occasion of almost as

great debate in Lower Canada as the Clergy Reserves in Upper Canada. It had been the subject of much enquiring and reporting, and many bills had been introduced to deal with it. In the important report of 1828 the whole matter had been thoroughly gone into. It had been shown that a serious drawback to the province of Lower Canada was involved in the system of secret and implied mortgages—"*Hypotheques tacites et occultes*"—which rendered it almost impossible to be certain of a clear title to any lands which might be purchased. Ancient French laws and customs, born of a social system of rigid caste and changeless ownership, formed part of that "nationality" inherited at the conquest, which, in the struggle for the maintenance of French ascendency after the Quebec Act, was to be rendered even more changeless than in the least progressive days before the French Revolution. The more complete the demonstration of its obstructive character, the more obstinately did the typical French-Canadian cling to it and anathematize the tyranny of those who would change, in other words anglicize, his institutions. Yet the commercial and progressive French-Canadians were prepared to welcome the change, once safely made. In the latter part of November, Lord Sydenham was able to report, "I have got a registry bill, 'the ass's bridge' of the Province for the last twenty years, which meets with nearly universal assent from both French and English.

It will be law in a few days, and will be really a miracle." The range and purpose of the new ordinance are sufficiently indicated in the title and preamble:—

"An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immovable Estates, and of Charges and Incumbrances on the same; and for the Alteration and Improvement of the Law in certain Particulars in Relation to the Alienation and Hypothecation of Real Estates and the Rights and Interest acquired therein.

"WHEREAS great losses and evils have been experienced from secret and fraudulent conveyances of real estates, and incumbrances on the same, and from the uncertainty and insecurity of titles of lands in this province, to the manifest injury and occasional ruin of purchasers, creditors, and others; and whereas the registering of all titles to real or immovable estates, and of all charges and incumbrances on the same, would not only obviate these losses and evils for the future, but would also, with some alteration of the existing laws, whereby the removal of inconvenient and inexpedient restraints and burthens on the alienation of real estates might be effected, greatly promote the agricultural and commercial interests of this province, and advance its improvement and prosperity: etc."

There were altogether some thirty-two additional ordinances passed at this last session of the

Special Council, relating to such important interests as highways, harbours and navigation, railways, regulations respecting aliens, the erection of gaols and the administration of justice. In consequence of these exacting legislative duties, which occupied the attention of the governor until February, 1841, the proclamation of the union, the organization of the new government, and the provision for the election of the first legislature for united Canada were unduly delayed, much to the chagrin of Lord Sydenham, who naturally desired as much time as possible to prepare his legislative programme.

The problem as to the seat of government had already been discussed by Lord Sydenham in a private and confidential despatch of May 22nd, 1840. There were five different places whose claims were canvassed, Quebec, Montreal, Kingston, Toronto and Bytown, now Ottawa. The latter was eliminated almost immediately, for, though remote from the frontier, it was also remote from the more settled portions of the country and afforded no suitable accommodation. From the point of view of immediate accommodation, Toronto and Quebec were naturally best equipped, but both were too far removed from the centre of the united province. Toronto, in addition, was incapable of defence and in winter shut off from regular communication with Britain. It had been urged, apparently by representatives of Quebec and Toronto, that the

legislature might meet alternately in the two provinces, which was farcefied into the proposition that the capital should be placed on a scow and towed around to the leading cities in rotation. The final choice lay between Montreal and Kingston. From the point of view of defence, Kingston was the safer; as regards communication with Britain, Montreal was nearer in summer and Kingston in winter, via New York. Montreal was the larger and more important city, Kingston the more centrally located for the whole province. Judged from the existing requirements, their claims were about equally balanced, but having regard to the future development of the country, Kingston had undoubtedly the advantage. Moreover, Sydenham frankly confessed that he considered it desirable that the capital of the province and the sittings of the legislature should be removed from the presence of a large French population, and especially from the influence of a host of petty lawyers and doctors, such as filled the Montreal district and had already created trouble. On the other hand, it would be of advantage to the French-Canadian members to bring them into an English section of the province with a new social and political atmosphere. On the whole, therefore, he gave the preference to Kingston. Replying to his despatch on the subject, Lord John Russell quite approved of Sydenham's reasons for fixing upon Kingston. It was not, however, until the beginning of February,

1841, that it became publicly known that Kingston was to be the capital of the united province.

By an Order-in-Council, dated August 10th, 1840, Lord Sydenham had been vested with authority to proclaim the union. Not, however, until February 5th, 1841, did he find it possible to issue his proclamation appointing February 10th as the date on which the union of the provinces should take effect. This date was chosen as the conjunction of several anniversaries; those, namely, of the marriage of the Queen, the Treaty of Paris, 1763, the giving of the royal assent to the Act suspending the constitution of Lower Canada, and the proroguing of the legislature of Upper Canada the previous year. Accordingly, on that date Lord Sydenham assumed the office of Captain-General and Governor-in-Chief of the United Province, according to the forms prescribed in his commission. At the same time, he issued a proclamation to the people of the united province with the object of impressing upon them the privileges and responsibilities which were conferred upon them, and the great future which was in store for the country should these opportunities be properly utilized. "In your hands now rests your own fate, and by the use which you will make of the opportunity must it be decided."

On February 15th Lord Sydenham issued a proclamation summoning the parliament of United Canada to meet at Kingston. The election writs

were returnable on April 8th, and he hoped to assemble the parliament on May 26th, when the water routes, the chief highways of the country, would be open. The date of opening the legislature was afterwards postponed to June 14th. He had already nominated as members of the executive council the principal officers of the late provincial governments; namely, Messrs. R. B. Sullivan, J. H. Dunn, D. Daly, S. B. Harrison, C. R. Ogden, W. R. Draper, R. Baldwin, and C. D. Day. The only appointments to office, however, were Mr. Daly, the late provincial secretary of Lower Canada, and Mr. Harrison, late civil secretary of Upper Canada, to be secretaries for the united province; and Mr. Dunn, late receiver-general of Upper Canada, to be receiver-general of the united province. These appointments were indispensable to the carrying on of the business of the country.

As has been already indicated, the frankly avowed object of the Union Act was, without infringing upon the personal rights or religious convictions of the French-Canadians, to do away with the eternal conflict for racial supremacy by insuring to the country a British future as regards its national institutions and imperial connection. In order to accomplish this, it was necessary to equalize the power of the two races in such a way that, under representative institutions and responsible government, there would be a reasonable assurance of a British majority in the legis-

lature. That did not imply that party divisions would necessarily follow racial lines; indeed it was fully expected that this would prevent such a result, and this soon proved to be the case. It was well known that any possible form of settlement would be, for a time, unpalatable to the French-Canadians. Even the least objectionable of all, and the most hopeful for the future—that involved in the union policy—was certain to give occasion to the demagogues to stir the liveliest apprehension of the ignorant masses of the people as to the inevitable oppression and loss of civil and religious liberty which were to follow the consummation of the union. The general body of the French-Canadians knew nothing of how Lord Sydenham had defended their rights, as against the extreme demands of the ultra-loyal element in the Upper Province, and to a certain extent in the Lower Province as well, or the criticisms he had received in consequence. Hence it was easy to persuade them, as was industriously done, that he was their avowed enemy and oppressor; as the promoter of the union measure he was the author of all the apprehended evils which were to flow from it.

As Lord Sydenham had feared, confirmation of the popular opinion of the governor was drawn from the fixing of the electoral limits of Quebec and Montreal. In order to give the important British mercantile element an opportunity for representation amid an encircling majority of

French-Canadians, portions of the suburbs of these cities were thrown in with the adjoining counties. What, however, gave this an especially sinister look in the eyes of the French-Canadians, was the fact that, mainly on the representation of Sir Robert Peel, then leader of the Opposition in the British parliament, these seats were given two representatives each. Lord Sydenham immediately recognized how this would be interpreted, and thus referred to the awkward position in which it placed him:—

"I had suggested that one Member should be given to each of the cities of Quebec and Montreal, and under proper regulation and without any great appearance of injustice the probability is that a member really representing the Commercial Interest might have been returned in this way for each City. In consequence, however, of the representations of different Canadian Merchants in London, H. M. Government and Parliament deemed it expedient to allot two Members to each of these Cities, the consequence of which is, that if the limits of the two places are not restricted in a way which may be represented to be extremely unjust with regard to the number of voters to be retained for the nomination of so many as four Members, the object which I had in view, and which Parliament, in ignorance of the real state of the case, sought to carry still farther, namely, the return of such representatives, will

be entirely defeated, and the Mercantile Interest of Quebec and Montreal will have no more voice in the choice of their members than they would in the nomination of any of the Members for the French counties. This is highly embarrassing, and another proof, if one were wanting, of the danger of meddling with details when the parties doing so are imperfectly informed of the facts. After mature consideration, however, I have determined to carry out what I consider to have been the views of Parliament and, at whatever risk of outcry or accusation, to make such an apportionment of the limits of these two cities, by excluding the whole or the greater part of their suburbs, as shall effectually secure to the trading community the power of returning the representatives of their choice, not looking indeed to Politics, or to race, but to a commercial representation such as was sought by Sir Robert Peel in his proposal for giving a nomination to the Chambers of Commerce. Your Lordship, however, may expect that this course will be objected to by the French-Canadian population and some of their supporters, and probably the objections may find advocates in Parliament in England. It is, therefore, my duty to state to you the necessity which compels me to adopt it, and I trust that a sufficient answer will be given in case I am attacked for it."

## CHAPTER XVIII

### ELECTION AND OPENING OF THE FIRST UNITED PARLIAMENT

IN both provinces, where there was the prospect of anything like a close contest, it was quite evident that there was to be an exceedingly vigorous election campaign. There had been no election in Lower Canada since the outbreak of the rebellion, and the last election in Upper Canada was regarded as having been carried by the Compact and Orange elements, with the assistance of Lieutenant-Governor Head, in such a manner as to prevent the legitimate expression of the popular will. The great issues of the stability of the union, the dominance of race, and the future of responsible government were all dependent on the outcome of the elections.

The attitude of the most responsible and influential element among the French-Canadians towards the Union Act and the government to be formed under it, is given in an address by the "Quebec Committee" to the electors throughout the province. This was published in the Quebec *Gazette*, of February 22nd, Mr. Neilson, the editor and proprietor, being one of the chief members of the committee. The keynote of the address is given in the following paragraph with

reference to the practical duty of the electors: "No consideration whatever should induce us to vote for any candidate who does not disapprove of that Act and its iniquitous provisions; for, in voting for such a candidate, we would give our consent to the Act, and approve of those who have advised it. We should proclaim our own dishonour and dishonour our country in stretching forth the neck to the yoke which is attempted to be placed upon us, till it be repealed or amended, so that the injustice which it authorizes shall cease."

It was everywhere admitted that this attitude and these principles dominated the French-Canadian elections. All things considered, the attitude was perfectly natural, but it involved at least this plain fact, that the government could make no terms with the French-Canadian members until, through experience of the working of the Union Act and of the attitude of the government towards their interests as citizens of a united Canada, they had modified their views and abandoned their pledges of absolute opposition. Thanks to Lord Sydenham's policy and the appreciation of the more enlightened French-Canadians, it was possible for his successor, Sir Charles Bagot, to make the first practical move towards incorporating in his ministry leading French-Canadians who could command a respectable following of their fellow-members. It might have been possible for Lord Sydenham to win over individual members of the

French-Canadian party, but in doing so he would have captured, not a section of an army, but a few isolated deserters. He had himself offered to Messrs. Roy and Marchand seats in the legislative council, on the sole condition that they should attend during the session of the legislature and not treat the appointment as a merely honorary one; but they declined. Time and experience alone could deal with that problem, hence the criticism of Lord Sydenham's government, as lacking a representative French-Canadian element, was quite beside the mark. The fault was neither his nor that of the body of the French-Canadians; it was a passing necessity of a stage in national development. But that the necessity was a passing one, may fairly be placed to the credit of the policy which Lord Sydenham inaugurated and which rendered possible the action of his successors.

An interesting side-light on the preparation for the elections in the Upper Province is shed by a private letter from Robert Baldwin to Lord Sydenham. After referring to the chances for the election of Mr. Dunn and himself, he says, speaking in the third person: "Mr. Baldwin has just transmitted to Mr. Murdoch, for His Excellency's information, a list of names of persons whom he has been led to believe would make good returning officers in some of the counties, and also the names of places where the elections could be most conveniently held. The materials for this list were

collected chiefly when Mr. Baldwin was on the circuit. As to the persons, he endeavoured to ascertain that they were men of reasonable intelligence, personal respectability, and not of violent temperament. As to the places, he endeavoured to ascertain that they were as conveniently situated as possible for all, or at least the greater number, of the electors, but, above all, that they were as far as possible removed from the neighbourhood of any Orange clique. He has in some instances mentioned the names of persons and places which were represented to him as peculiarly ineligible." These precautions, however, did not secure the avoidance of riot and even bloodshed at several of the elections in Upper Canada, particularly in and around Toronto, where the ultra-loyal and ultra-Protestant element conceived it to be at once their privilege and their duty to employ violence in support of British institutions and in opposition to a government too strongly tainted with French-Canadian sympathies and responsible government radicalism. Yet this was the same government against which a solid French-Canadian opposition was being successfully organized in Lower Canada, because of its supposed leanings towards Orangism and ultra-British sympathies.

We cannot refer in detail to the many objectionable and regrettable episodes which characterized the elections in a number of constituencies, especially in the districts around Montreal and Toronto.

Responsibility for the riotous conduct was pretty evenly divided between the rival interests, but wherever violence was used in favour of a candidate favourable to the union policy or responsible government, it was of course attributed directly to the government, and even to the governor himself. Thus did Lord Sydenham immediately experience one of the chief difficulties which of necessity attached to the double function of governor and prime minister.

The election returns were known early in April, and the results were thus summed up in a letter from Mr. Murdoch, the civil secretary:—"Government members, 24; French members, 20; moderate Reformers, 20; ultra-Reformers, 5; Compact party, 7; doubtful, 6." Considering the issues on which they were elected, the French members, at first at any rate, could be safely counted upon to oppose without question every measure brought forward by the government. On most essential matters the majority of the moderate Reformers would support the government, while the ultra-Reformers and the Compact party would oppose it. On other issues, however, many votes would depend upon the particular question before the House. The government seemed fairly sure of a good working majority. But considering the whole past history of Canadian representative bodies, the most difficult task before Lord Sydenham would be to maintain a united administration on all

essential government questions. The opposition to the government might, on occasion, prove very formidable; for parties of the most incompatible views, such as the French-Canadians, the Compact party, and the ultra-Reformers, might enthusiastically unite in opposition to the government, and might even out-vote it, without the slightest possibility of forming another administration to take its place.

The members of the legislature were finally summoned to meet at Kingston on June 14th, 1841. Postponement of the date previously fixed was due partly to the state of the governor's health, he having been prostrated by a particularly severe attack of gout, and partly in order to permit agricultural operations to be sufficiently advanced to allow the country members to attend. Lord Sydenham thus describes to the colonial secretary the preparations made for the accommodation of the legislature:—

"In pursuance of what I had the honour of stating upon a former occasion, I decided on calling the first Parliament at Kingston and of placing the seat of Government there. Upon investigation I found that I could obtain without difficulty the necessary accommodation both for the Legislature and the Government Offices, of a temporary nature, but still affording more convenience at less cost than if I had fixed upon either Montreal or Toronto. The Hospital which was recently erected,

but has remained unoccupied, will, with slight alterations, afford better accommodation for the meeting of the Legislature than even at Toronto. I have hired a new range of buildings which was destined for warehouses and can be easily finished for their new purposes as Govt. Offices, for all the different Departments of the Government, and they will be far superior in convenience to any that are to be found in any of the Three Cities of the Province. I have hired a house for the Residence of the Governor-General, which with some additions will answer the purpose, and altho' the different Officers of the Government will be obliged to submit to inconveniences for a time, I have no doubt that accommodation can be provided. The expense will not be very considerable and will be defrayed from the balance of the Crown Revenues which I have transferred, upon the declaration of the Union, to the Military chest, to answer the claims upon it for various services."

The building used for the accommodation of the legislature is once more the main structure of the Kingston hospital. The government offices referred to, a row of low stone buildings on Ontario Street erected by the Marine Railway Company, are now devoted to much humbler uses. The house selected for the governor's residence, a plain but comfortable stone mansion with ample grounds, beautifully situated on the lakeshore on the western border of the city, was erected and at the time owned

by Baron Grant, and is still known as "Alwington."

Just before the opening of the legislature, Mr. Robert Baldwin, who had been solicitor-general for Upper Canada since the close of the session of 1840, and who had held a similar position as a member of the government since the proclamation of the union, suddenly proposed to Lord Sydenham, within a couple of days of the opening of the legislature, that he should entirely recast his government and replace some of the most important members by a combination of French-Canadians and ultra-Reformers. From the point of view of elementary political wisdom, in the face of so delicate a situation as then confronted the governor, the proposal was preposterous and would undoubtedly have been so treated by Mr. Baldwin himself when at a later date he had to frame and lead a ministry. To Lord Sydenham, Mr. Baldwin's action naturally appeared more or less treacherous; and yet Mr. Baldwin was evidently actuated by honourable sentiments, if not guided by practical wisdom.

His attitude may be more readily understood after reading the seemingly naive, and yet remarkably able and adroit letter of Mr. Morin to Mr. Hincks, written between the elections and the assembling of parliament. Notwithstanding the utter hostility to the union, and the consistent repudiation of responsible government by Mr.

Neilson, whom Mr. Morin acknowledges to be the leader of the French-Canadians and to possess their entire confidence, Mr. Morin, with his charmingly innocent and almost affectionate manner to which his own thorough goodness of heart lent an air of perfect sincerity, laboured to prove that the French-Canadians and the Reformers of Upper Canada were natural allies and desired practically the same objects. If, therefore, they united together they could command the situation—an opinion which there was no disputing. He announced also that he himself and a number of others were going up, a few days in advance of the opening of the House, to confer with representative Reformers with a view to effecting a combination. It was with these men that Mr. Baldwin had been negotiating, and that they had completely captured him is indicated by the proposition which he placed before Lord Sydenham on the eve of the opening of the House. As it turned out, both Morin and Baldwin were entirely mistaken in their estimate of the situation. Mr. Neilson, and not Mr. Morin, proved to be the true prophet of the political attitude of the French-Canadians in the first session of the legislature. It is true that as the session progressed the more enlightened French-Canadians, of whom Mr. Morin himself was a conspicuous example, were often found voting in opposition to the general body of their fellow-countrymen, but the majority, with

Mr. Neilson as their leader, steadily opposed all Liberal measures.

Owing to the position which he had taken at the opening of the session, Mr. Baldwin himself was constrained to oppose some of the most liberal measures of the government, such as the introduction of a comprehensive municipal system, the extension of the main highways of Upper Canada, the reform of the usury laws, etc. On the other hand, it was due to Mr. Hincks and the general body of the Reformers that these important measures were passed. Mr. Hincks has told us in his *Reminiscences* that he, in common with Mr. Baldwin and many other Reformers, firmly believed, before coming into close touch with the general body of the French-Canadian party, that it was possible to form a combination of Reformers from Upper and Lower Canada which would command a majority in the House and compel the governor-general, in accordance with his avowed principles of responsible government, to frame an administration which would command their confidence. He found, however, as the result of practical experience, that it was quite impossible, at that time, to unite in one Reform party the majority of the French-Canadian representatives who followed Mr. Neilson and the Reformers from Upper Canada. In his own words, published in his paper the *Examiner* later in the session:—

"We found, moreover, when we came to act in parliament with men, the great majority of whom we had never met before, that we could not act as a party man with several gentlemen who must be considered active leaders of the Lower Canadian Reformers. There is no individual in the House of Assembly for whom, as a private individual, we entertain a more sincere respect than the venerable and kind-hearted member for the County of Quebec, Mr. Neilson; but as a politician, we have found ourselves almost invariably opposed to his views. We have been an attentive reader of the *Gazette* for several years, and our subscribers must be well aware that its principles are entirely dissimilar from those advocated in the columns of the *Examiner*. Mr. Aylwin is another prominent leader of the same party, and with this gentleman we hold no views in common. Lower Canada politics are indeed a mystery to us. In some instances the contrasts are most singular. The Liberals of Lower Canada send us Messrs. Neilson, Aylwin, Berthelot, and Burnett as Reformers, while the Tories send us Messrs. Sol.-Gen'l Day, Black, Dunscombe, Holmes and Simpson.—Without in the least degree adopting the opinions of the latter gentlemen, we hesitate not to say that they are many degrees more liberal than the former."

Under these conditions Mr. Hincks's position was perfectly plain.

"The formation of a new Ministry on the declared principle of acting in concert with the united Reform party having failed, all parties were compelled to look to the measures of administration, and we can now declare that, previous to the Session of Parliament, *our opinion was given repeatedly and decidedly*, that in the event of failure in obtaining such administration as would be entirely satisfactory, the policy of the Reform party was to give to the existing administration such a support as would enable it to carry out liberal measures which we had no doubt would be brought forward. We have adhered to that opinion. We consider that it would have been political suicide, because we were thwarted in our own views, to aid the Tories in embarrassing an administration disposed to carry out Reform measures, although not so fast as we could desire."

As to the extreme action taken by Mr. Baldwin, he has this to say, in the same article: "We are now warranted in saying that a large majority of the party desired that Mr. Baldwin should have remained in the council, and that he should only have abandoned it in case he found that other influence preponderated over his own."

Mr. Baldwin's influence with his party had been very great, and on any reasonably defensible issue his defection would have been a serious blow to the government; but in this case, in resigning from the government on such an issue and adopt-

ing an attitude of extreme opposition, he lost for a time the sympathy of the general body of the Reformers, who preferred the much sounder policy of Mr. Hincks, the other great leader of the Reform element and a man at once of sounder constitutional principles and of more far-sighted political wisdom, if not of so interesting a personality.

The governor-general thoroughly appreciated Mr. Baldwin's valuable qualities and his great influence with the Reformers. As his despatches show, he sympathized with his general principles, though not with his reckless haste for their extreme realization. He had gladly taken advantage of the first opportunity to bring Mr. Baldwin into the government and had done his utmost to meet his personal scruples, as when he took upon himself the responsibility of modifying in his case the oath of office prescribed in the Union Act; he therefore felt the more aggrieved when Mr. Baldwin attempted to break up the government on the eve of a most critical session.

## CHAPTER XIX

### RESPONSIBLE GOVERNMENT IN PRACTICE

THE first weeks of the new legislature were very naturally devoted to experimental tactics on the part of the various groups which composed the House, with a view to testing the strength and sympathies of the different parties and the possible combinations which might be effected. The House of Assembly contained many able men with strong views and considerable capacity for expressing them. As a result, during the first weeks of the session there was a great flow of parliamentary oratory of a fairly high order, though somewhat sharp in tone and bitter in flavour. Once, however, the more strenuous members of the House had sufficiently utilized the safety-valve of speech, and the various groups had oriented themselves, and especially when it was realized that the government was to have a good working majority, the "do-nothing-but-talk session," as the Kingston *Chronicle* styled it, began to get down to the serious business of legislation.

Many interesting analyses of the general political situation appeared shortly after the opening of the session; but the most concise and penetrating, and that which was most completely justified by subsequent events, was made by Lord Sydenham him-

self, as given in a confidential despatch to Lord John Russell, and which may be given in full as it deals with the Baldwin incident as well.

"I have already transmitted to your Lordship copies of the Speeches with which I opened the United Parliament of Canada on the 15th instant, and of the answer which I received from both Houses.

"A few days previous to the meeting of the Legislature the appearance of affairs was not promising for the harmony of the first proceedings of the House of Assembly, nor was I at all surprised that such should have been the case. The people of Upper and Lower Canada respectively, are nearly, if not quite, as unacquainted with the habits and feelings of each other, with the political history and with the character and opinions of the more prominent public men of the division which was not their own, as they would be if they were separated by the Atlantic. It is indeed difficult to believe the extent to which this want of knowledge prevails, even amongst persons of good general acquirements and education, but the fact admits of no doubt. I was therefore perfectly prepared to expect that considerable misunderstanding and embarrassment would arise at first, which could only be removed by time affording the means of arriving on each side at a more correct judgment of the real views of either party.

"I have so frequently alluded to the state of public feeling in both Provinces, that it is unneces-

sary to describe it at any length. Party, according to our English sense, can scarcely be said to exist, and the English Party names though adopted here do not in the slightest degree describe the opinions of those who assume them or to whom they are assigned. They therefore serve only to delude.

"The composition of the House of Assembly is not a bad representation of the feelings of the Province.

"The Members returned from Lower Canada may be divided into two Classes, the Canadians and the British, not that either is exclusively composed of one or the other, but from the principles on which they were returned, which, like everything in that Province, was one of distinction of race. Thus, tho' a person of English origin might be chosen by a purely French-Canadian constituency, it was because he avowed the most violent exclusively French-Canadian principles and was opposed to the Union, and a person of French origin, assisted by the British, received that assistance because he expressed sentiments favourable to British connection, and to the anglification of the Provinces. The Canadian Party, however, must again be subdivided. It contains a number of those who formerly sat in the House of Assembly, and advocated all the most violent measures under Mr. Papineau's guidance; but it contains also others who are not desirous of having those scenes renewed, and will undoubtedly become moderate

and useful members of the Legislature. Until, however, the question of the Union was disposed of, they would remain united with the others. The other Party which I have called the British, and which consists of nearly one-half the representation allotted to Lower Canada, are Gentlemen of both British and French origin, but returned as I have stated above, and have warmly at heart the interest and improvement of the Country.

"In Upper Canada, the representation may be thus classed. There are very few members, not more than two or three, who may be supposed to represent what is called the 'Compact.' There are a considerable number of Persons who, altho' formerly not altogether unconnected with that party, have enlarged their views and are most anxious for a Government conducted on a liberal and less confined basis. There are a large Body of men called Reformers who sincerely and anxiously desire to see practical improvements carried on, and there are a very few classed under the same name, whose views I cannot pretend to define, but whose object seems to be agitation.

"This is the real character of the House, and was well known to me to be so, but it is that which could only become apparent to the Public or to the Members themselves, after its assembling. The delusive nature of the party nicknames, borrowed from England, which I have before referred to, and falsely applied by the Press, gave to it a differ-

ent appearance which nothing but the test of action and the communication of real opinions, could remove.

"The extreme party in Upper Canada, to which I have last adverted, though numerically so insignificant, being the most active, attempted, a few days before the meeting, to assume the lead and act in the name of the larger body of their Colleagues, who were known like themselves under the designation of 'Reformers,' and then (either being themselves deluded, or at all events deluding others into a belief that the French-Canadian Party were Reformers too; whilst all those Gentlemen from Lower Canada who had been returned on British feeling were designated by them as enemies to popular rights) endeavoured to effect a junction between the great Body of Upper Canadian Members and the Canadian Party of the Lower Province, a combination which would have proved most formidable to the good Government of the Country and have rendered all my efforts unavailing, for a time at least.

"It is needless to say that such a combination could not have stood the test of any long time, for there is really nothing in common between the parties. The Canadians are opposed to the Union—care nothing about the responsible Government which the Upper Canadians are so thankful for having had conceded to them to the intent of your Lordship's Despatch. They want no improvements

—wish to incur no farther debt—in short have no principle in common, but the ignorance of each other's real sentiments rendered it not improbable that the manœuvre might for the moment succeed, and in that case the effect upon public opinion in England, caused by a stormy opening of the Session, might have been very disastrous.

"This was rendered still more probable by the circumstance of my Solicitor-General for Upper Canada, Mr. Baldwin, altho' a Member of the Government, using his best endeavours to promote it. Acting upon some principle of conduct, which I can reconcile neither with honour or common sense, he strove to bring about this Union, and at last having, as he thought, effected it, coolly proposed to me, on the day before Parliament was to meet, to break up the Government altogether, dismiss several of his Colleagues and replace them by men whom I believe he had not known for twenty-four hours, but who are most of them thoroughly well known in Lower Canada (without going back to darker times) as the principal opponents to every measure for the improvement of that Province which has been passed by me, and as the most uncompromising enemies to the whole of my administration of affairs there.

"I had been made aware of this Gentleman's proceedings for two or three days, and certainly could hardly bring myself to tolerate them, but in my great anxiety to avoid if possible any disturb-

ance, I had delayed taking any step. Upon receiving, however, from himself this extraordinary demand, I at once treated it, joined to his previous conduct, as a resignation of his office, and informed him that I accepted it without the least regret.

"I transmit to your Lordship a copy of Mr. Baldwin's letter, and of my answer, in reply to which I received his formal resignation. I gave him full power to publish not only these documents, but the whole of any correspondence he has ever had with me, of which permission he has not thought proper to avail himself, and I do not therefore trouble you with anything beyond these two letters.

"Parliament accordingly assembled on the following day with Mr. Baldwin no longer a Member of my Council, and the correctness of the view which I had taken of the real state of parties and of the course which would be followed by them, has been most amply and satisfactorily confirmed.

"No Union whatever has taken place between the parties designated as the 'Reformers' of Upper and Lower Canada. The whole Body of Upper Canada Members with the exception of two or three extremes on either side, have given me their best and most active support. Mr. Baldwin has only been able to carry with him into opposition three or four from the whole of that part of the Province, and obtains the support of the Canadian Party from the Lower Province only. This, too, he

has been enabled to acquire (as a whole) only by making or supporting motions entirely, in their sense, against the Union Act, and as the question is now disposed of, by the debate on the address, that portion of this party which I have described as not desirous to perpetuate agitation will undoubtedly separate and lend their assistance to the Administration. As it is, even with the whole of the party united, the divisions in the debate on the Address have been two to one, or even in a still greater proportion.

"I therefore now entertain no doubt that the problem which I have felt, in common with your Lordship, so anxious to work out, will be practically solved. The Assembly acting in perfect harmony with the Executive, will, I confidently expect, occupy itself seriously and steadily upon the measures which will be submitted to it by me, or be devised by the Members themselves, and the Session will proceed usefully, peacefully, and in a manner to inspire confidence in England, and afford just grounds to the Imperial Parliament for rendering that assistance to the Province which Her Majesty's Government has pledged itself to propose, and for which the people of Canada feel deeply grateful.

"There may be some feeling displayed respecting the Civil List as settled in England, but I do not anticipate any serious difficulty on that score."

Incidental to this experimental stage of the session was the question as to how far the governor proposed to go in rendering the government responsible to the majority of the legislature, as tested by the resignation of the ministry should it suffer defeat on a government measure, or on a direct vote of want of confidence. Lord Sydenham very fully realized that this question could not be safely settled in the first stages of the session—perhaps not in the first parliament. He had to deal with a body of men who had no experience of responsible government in practical operation. In Britain, or in later days in Canada, the opposition would not wantonly defeat a government where it had no possible chance of taking office and maintaining itself in power, for the indispensable correlative of a responsible government is a responsible opposition. Moreover, by well established custom, the outcome of long practical experience, a government does not accept defeat on all adverse votes. There was not as yet, however, any accepted custom in Canada, nor any opposition which seriously sought to come into power. Mr. Neilson led the only coherent opposition, the object of which, so far from being to come into power, was to destroy the constitution altogether and thus break up the union. By a combination of forces, much more antagonistic to each other on constitutional matters than to the government in power, it might have been possible, as was actually

the case on a few minor issues, to secure a majority against the government. For the government to have resigned on such an adverse vote would have been to insure not the working of responsible government but its complete frustration in its initial stages. Until, therefore, Lord Sydenham had fully tested the strength of the government majority and its cohesion under a variety of attacks, cunningly devised for purely destructive purposes, he was not prepared to state categorically whether the government must resign or not in consequence of an adverse vote. At the same time he freely admitted that the executive must govern in accordance with the well-recognized wishes of the majority.

At a later stage of the session, when the House had gained some experience of the new parliamentary methods and when Lord Sydenham had realized that the government majority was sufficiently stable, he frankly admitted, subject only to imperial connection, the principle of domestic responsibility as expressed in the following resolutions moved by Mr. Harrison, leader of the government in the House of Assembly.

"1. That the head of the Executive Government of the Province being, within the limits of his Government, the representative of the Sovereign, is responsible to the Imperial authority alone; but that nevertheless the management of our local affairs can only be conducted by him,

by and with the assistance, counsel, and information of subordinate officers in the Province.

"2. That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated.

"3. That the people of this Province have, moreover, a right to expect from such Provincial Administration the exertion of their best endeavour that the Imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well-understood wishes and interests."

This declaration of policy was naturally regarded as quite satisfactory and as establishing at once, rule by majority, responsible government, and the necessity for harmony between the British and Canadian governments, not by the Canadian government accepting subordination to British policy as a matter of necessity, but as a matter of mutual arrangement and compromise. Know-

ing only the outward stages by which this declaration of policy had been reached, it was perhaps not unnatural for a number at that time, or even since, to have held that Lord Sydenham did not really subscribe to these principles, but simply accepted what was forced upon him by others. Now, however, that we have access to his confidential despatches, several of which have been freely quoted in this volume, it is plain that these resolutions embodied not only the principles, but even the language which Lord Sydenham had steadily set forth from the time that he had carefully appreciated the political situation in Canada. Lord Sydenham's successor, Sir Charles Bagot, fully comprehended Lord Sydenham's views and statements on this subject, having the advantage of Lord Sydenham's secretary, Mr. Murdoch, as the interpreter of his policy. Lord Metcalfe, however, who succeeded Sir Charles Bagot, recurring to the rigid logic of British supremacy while acknowledging that Lord Sydenham's administration so obviously involved responsible government that he could not believe Lord Sydenham unaware of the fact, yet considered him in reality opposed to it. Lord Metcalfe thus expressed his view of Lord Sydenham's policy in a despatch to Lord Stanley:—

"In adopting the very form and practice of the Home Government, by which the principal Ministers of the Crown form a Cabinet, acknowledged

by the nation as the executive administration, and themselves acknowledging responsibility to Parliament, he rendered it inevitable that the Council here should obtain and ascribe to themselves, in at least some degree, the character of a Cabinet of Ministers. If Lord Sydenham did not intend this, he was more mistaken than from his known ability one would suppose to be possible; and if he did intend it, he, with his eyes open, carried into practice that very theory of Responsible Colonial Government which he had pronounced his opinion decidedly against."

That Lord Sydenham pronounced his opinion decidedly against such responsible government is nowhere proved from his own statements. What Lord Metcalfe assumed was that such responsible government could not co-exist with British connection and the responsibility of the Canadian governor to the home government; but this is exactly what Lord Sydenham claimed could be maintained in practice and what he himself considered his chief service to have both introduced and maintained. It was this same principle which Lord Elgin was to re-establish, after Lord Metcalfe's somewhat reactionary but very instructive policy, though with a division, by that time made possible, of the chief functions of the governor and the prime minister. It is this same principle which, gradually expanding with the enlarging interests of the country, has been maintained from

that day to this; though there have not been wanting various reactionary movements discovering anew Lord Metcalfe's conviction that such an imperial connection is unworkable, and that we must, like him, revert to some form of the system discarded by Lord Sydenham.

## CHAPTER XX

### LEADING GOVERNMENT MEASURES

WE may now glance at some of the leading measures of a very crowded and important session, and over the head of which Lord Sydenham introduced and rendered more or less familiar the system of a responsible and coherent cabinet. In his Speech from the Throne Lord Sydenham naturally dealt with the most difficult question facing the government, the financial condition of the country. In several despatches he had already referred to the deplorable financial condition in which Canada found itself, owing partly to bad management and partly to political difficulties, which, on the one hand, were emphasized by a commercial crisis which was continental in its range, and which in turn was rendered still more severe by the political condition of the country. The result was that after spending large sums, relatively to the resources of the country, on public works, chiefly canals, they had been suspended in an unfinished condition owing to the collapse of provincial credit.

Through the employment which they gave in summer to newly-arrived settlers, the public works had been an indispensable means of tiding needy immigrants over the first year or two in

Canada. During the winters they were able to build their houses and make sufficient clearing on their bush farms to furnish them with food until further improvements brought them larger returns. The closing of the public works, therefore, involving the loss of markets for both produce and labour, checked immigration, while political and economic despair encouraged emigration to the middle western states, then opening to settlement and promising prosperity and political freedom. To rehabilitate the colonial finances was obviously as immediately essential to returning confidence in the country's future as the establishment of political freedom and self-government.

Financial difficulties as between the two provinces constituted one of the natural results of the division of Canada in 1791. In Lower Canada was situated the most favoured portion of the St. Lawrence route, the national highway of both provinces. Holding the gateway for practically all of the imports and exports of both provinces, Lower Canadian officials sat at the receipt of customs, and her great merchants commanded large profits on both the outward and inward trade of the country. The French-Canadians had long been accustomed, by natural thrift and a prohibitive trade policy, to live upon their local resources, and had little or no experience of civil taxation. As a province, Lower Canada had ample revenues and moderate expenditures. In Upper Canada, however, the national

highway was beset by colossal obstructions, to be surmounted only by expensive public works. There also, in proportion to the population, was the terminus of the greater part of the imports and the origin of a large share of the export trade which supported the revenue and mercantile profits of Lower Canada; hence the perennial controversy between the two provinces as to the division of the customs revenue. Meanwhile, Upper Canada found itself burdened with large expenditures and enjoying a small revenue. To remedy the unequal distribution of expenditure and revenue, as between the two provinces, was one of the purposes of the union measure; while to frustrate its accomplishment, under the representation of preventing the burden of Upper Canada from falling upon Lower Canada, was one of the chief incentives against the union in the latter province.

In a despatch to the colonial secretary, dated March 11th, 1840, Lord Sydenham had summarized the financial conditions of the two provinces. Their outstanding obligations were classified under the following heads:—(1) for expenditures of a general nature, (2) for public works, (3) for advances to private corporations, (4) for public works where the interest is a charge upon local taxation. In Lower Canada the only debt came under the second head, advances having been made to the extent of £50,000, and authorized to the extent of £45,000 more. In Upper Canada the

debt under the first head was about £62,000, being chiefly for war losses in 1812. The amount advanced in Upper Canada under the second head was £704,000, with a further sum of £200,000 for interest on previous loans. The public works referred to under this head were chiefly the Welland and St. Lawrence Canals, which accounted for £817,000. The Rideau Canal had been built and paid for by the British government as a military work. The amount under the third head, chiefly expended on minor public works, with the interest due, was about £36,000, for which securities were held against the companies. The advances under the fourth head were chiefly for central macadamized roads, and amounted to £210,000. The local districts, in accordance with an Act of the legislature, were liable for the interest on this sum. In a later despatch of June 27th, 1840, it was shown that the credit of Upper Canada was so low that it could not borrow £63,000 at less than eight or nine per cent., and could not sell five per cent. debentures for more than seventy-five or eighty. With its present revenue the annual deficit of the province was estimated at £28,735. Even the revenue of the united province would barely meet the expenditure. "Your Lordship will thus at once perceive that assistance will be required from the mother country to place the finances of the United Province in a satisfactory condition; and that the aid which I was authorized to promise in order to

obtain the assent of the Upper Canada Legislature to the measure, if necessary, must hereafter be afforded." He was pleased that it had not been necessary to make use of the promised assistance in order to carry the union measure, though the people of Upper Canada looked to the union and the assistance of the home government to enable them to restore their financial equilibrium. He considered that the assistance of the imperial government would be absolutely necessary when he came to place the finances of the united province on a sound basis, and he knew of no better way in which that assistance could be afforded than by means of the original proposition to guarantee a Canadian loan. This would relieve the province of a high rate of interest on the existing debt and facilitate the raising of sufficient capital to complete the indispensable public works.

After further correspondence on the subject, just before the opening of the session, Lord John Russell sent a despatch to Lord Sydenham outlining the policy of the home government in relation to Canada, and part of this was made the basis of Lord Sydenham's Speech from the Throne in opening the legislature. In this despatch the debt of the united province was placed at £1,226,000. With the sum needed to complete the public works for establishing a free communication between the provinces, the total amount required would be £1,500,000. The home government, he

says, agree with Lord Sydenham as to the expediency of employing the credit of England for the support of the Canadian finances. It would hardly do, however, to force, by Act of Parliament, those already holding Canadian securities to give up their contracts, but the home government agrees to guarantee a loan for the completion of the public works as proposed, and also for the payment of such part of the debt as is now due, or as the creditors may be induced to accept. In accordance with this arrangement Lord Sydenham was enabled to promise, in his speech at the opening of the legislature, that Her Majesty's government "will propose to Parliament, by affording the guarantee of the Imperial Treasury for a loan to the extent of no less than a million and a half sterling, to aid the province, for the double purpose of diminishing the pressure of the interest on the public debt, and of enabling it to proceed with those great public undertakings whose progress during the last few years has been arrested by the financial difficulties."

Closely connected with the subject of public works, as we have seen, was that of immigration, in which Lord Sydenham took a deep interest and on which much correspondence had passed between himself and the home government. That he held very sound views on this important subject, the following brief extract from his many papers on emigration will indicate.

"I have sent home a long Report on Emigration; which some of you won't like because it tells the truth, and declares that to throw starving and diseased paupers under the rock at Quebec ought to be punishable as *murder*. Send me out good English peasants who know what *work* is; give them the means of getting up the country six or seven hundred miles where it is to be had; and I will take as many as you can get, and promise them *independence*. Or give me some yeomen with a few hundred pounds each, and let them take prudent *advice*—*buy cleared farms*—*not* throw themselves into the bush, where they are as helpless as they would be in the Sahara Desert; and I will secure them comfort and perfect independence at the end of a couple of years—but not *money*. *That* is a thing never to be mentioned. Pigs, pork, flour, potatoes, horses to ride, cows to milk; but you must eat all your produce, for devil a purchaser will you find. However, the man's chief wants are supplied, and those of his family; he has no rent or taxes to pay, and he ought to be satisfied. But send me no Irish paupers; nor young gentlemen with £500 or £600, who fancy that upon that they may be idle, and are hardly used because they cannot get an income of £200 or £300 a year in return for it. The Province absolutely teems with people of this character—lawyers, broken down merchants, clerks, soldiers—who have come out here to farm; lost their money through their ignorance of the

business; or have been unable to brook plenty without civilized life's enjoyments—the lot of those who succeed best; and all these are applicants for places, of which there is one perhaps to one hundred candidates. So you see competition is nearly as rife here as in the mother country."

On this point also Lord John Russell thoroughly agreed with Lord Sydenham. As he admitted, "It is a hardship to Canada that she should be obliged to maintain the pauper emigrants from the United Kingdom who arrive in a state of destitution and disease." Assistance for poor but suitable immigrants was formerly provided by an immigrant tax, and this, Lord John Russell thought, should be re-established by the Canadian legislature. He would favour a tax of five shillings per head, to be paid by the home government instead of by the ship captains as formerly. But there should be an agent in Britain to certify to the fitness of the emigrants, and only those who held certificates would have their tax paid by the home government. In his Speech from the Throne, therefore, Lord Sydenham was able to couple with the promised British guarantee for a Canadian loan, the assurance of improved prospects for desirable immigrants, and a promise of a money grant from the British parliament "to assist in facilitating the passage of the immigrant from the port at which he is landed to the place where his labour may be made available"

As has been already indicated, the measure before the legislature to which Lord Sydenham attached the greatest importance was the bill for the establishment of local self-government, and which was substantially the same as the ordinance for that purpose passed by the Special Council of Lower Canada. This measure was opposed by the Conservatives as a dangerous concession to republican principles and institutions, while the French-Canadians opposed it as a typical British invasion of their cherished national system, and as a means of causing the people of the parishes to pay for what they were previously accustomed to extract from the central government. Mr. Baldwin and a few of the ultra-Reformers who had allied themselves with the opposition, found it convenient to base their antagonism to the bill on the ground that it did not go far enough and at one stroke pass to the limit of local democracy. It was on this measure, and in the face of such tactics, that Mr. Hincks definitely broke for a time with Mr. Baldwin. Hincks fully recognized that Baldwin's attitude, in such a house and at such a stage of development, meant the wrecking of any measure in favour of local self-government, and the indefinite postponement of that most desirable object. He therefore used his influence with the moderate Reformers in favour of the measure, and undoubtedly was largely instrumental in its being successfully passed. It was this Act which estab-

lished for Canada our general municipal system, and which made it possible for Mr. Baldwin himself, eight years later, to develop it a step further by giving more authority to the councils over their executive officers.

The chief features of the District Councils Act were, that the province was divided into incorporated municipal districts whose powers were to be exercised by a warden appointed by the governor and a body of councillors elected by the ratepayers of the townships. The clerk was selected by the council and the treasurer appointed by the governor. The public works provided for by the council were to come under the supervision of a duly qualified surveyor of the district, appointed by the warden and approved by the governor. As at present, limitations were placed upon the financial powers of the council, and the system of assessment and taxation was provided for by a provincial Act. The by-laws of the council were subject to disallowance by the governor within thirty days of their submission. As at present also, the charter granted by a special Act to any incorporated city or town was not affected by the general municipal Act. The District Councils took over the powers and functions of the old Courts of Quarter Sessions composed of the officially appointed magistrates for the districts, and which exercised such limited municipal functions as were permitted under the older system.

In a despatch of August 28th, Lord Sydenham reported the successful passing of the measure and made the following among other comments. "The Bill as proposed by the Government met with serious opposition during its passage through the House of Assembly. Those who are opposed to any extension of popular power objected to it on that ground, those who are in favour of extreme popular concessions opposed it on account of the checks which it imposed on the abuse of this power, and many others were hostile to it secretly, though not avowedly, on the ground so justly stated by Lord Durham, that it took away from the House of Assembly one of its chief privileges, that of jobbing by its members for personal or local advantage. Nothing indeed but the circumstance of my having already established these institutions in Lower Canada by the authority of the Special Council could have secured the passage of the Bill for the rest of the Province, and it is to that alone that I owe the success of the measure, as well as the still more gratifying fact that it has now become the law of Upper Canada upon exactly the same conditions as in the other Province, and without the alteration of a single provision, so far as they could be made applicable to the more advanced state of society here."

In this same despatch he reports but one other of the great measures to which he had devoted special attention as still to be dealt with,—the great public

works for the improvement of the province. His chief care was that, whatever works were undertaken, sufficient provision should be made for defraying the cost, so as to preserve the credit of the province. "I have accordingly transmitted to the House of Assembly a message upon the subject, together with the report from the president of the board of works, . . . . . by which I have placed before Parliament and the country the best information I possess as to the works which are likely to prove most advantageous and a scheme for defraying the cost." In this message and the report accompanying it was presented a comprehensive plan of public works for improving provincial transportation, extending from the Bay of Chaleurs to Lake Huron. It provided for the completion of the Welland and St. Lawrence Canals, the deepening of the St. Lawrence below Montreal, the opening of the Richelieu by the Chambly Canal, establishing connections between the lakes on the Trent Canal system, erecting a port and lighthouses on Lake Erie, constructing timber slides on the Ottawa, and the establishment and improvement of central highways from Quebec to Sarnia, as well as in various other directions in both provinces. The total cost was estimated at £1,470,000 sterling. It was not intended, however, to undertake all these improvements at once, though it was desirable to have a comprehensive plan for the future.

In dealing with the financial aspect of this programme he introduced a feature to which he attached special importance. "A very considerable amount of the capital required might be raised, without any charge whatever for interest, by the assumption by the province of the issue of paper payable on demand, which is now enjoyed by private banks or by individuals, without their being subjected to any charge whatever in return for the power thus granted to them by the state." This was the introduction to Lord Sydenham's plan for a reconstruction of the Canadian banking system, and the establishment of a provincial bank of issue. Though it was a measure open to discussion on quite independent grounds, it was introduced by him as an integral part of the general plan for rehabilitating the provincial finances and providing for the much-needed public works.

Lord Sydenham's plan for a bank of issue had been worked out in connection with English conditions, and was the fruit of his labours on the bank committee in the British House. Its essential features were afterwards embodied in Sir Robert Peel's Bank Act which is still the basis of the Bank of England. The central feature was that the government should resume and retain the exclusive right to issue paper money payable on demand. The advantage to the government would be precisely that now obtained, so far as it goes, by the issue of Dominion notes; namely, a free loan of the

difference between the amount of notes outstanding and the amount of bullion held in reserve for their redemption. This reserve Lord Sydenham placed at twenty-five per cent., so that approximately the advantage to the government would be a free loan of seventy-five per cent. of its note issue, less the cost of management. The government notes were to be issued through the chartered banks, much as at present, in return for bullion or approved securities. An allowance for a limited time was to be made to the existing banks as partial compensation for the loss of their own note issue.

The chief difficulty in the way of such a measure at that time was that the banks depended much more than at present upon their note issue as a means of making their loans and discounts. Under present conditions deposits largely offset discounts, while the note issue is much smaller and more uniform in volume. The seasonal fluctuation in discounts — a very important matter in 1841 — greatly affected the expansion and contraction of the note issue. The banks enjoyed the privilege of issuing notes considerably in excess of their paid-up capital; thus, with full control of their own note issue, they were able to expand and contract their loans quite freely. But, if their notes were to be obtained from the government bank only, in return for specie or public securities, the need for a rapid expansion could scarcely be met in a country with

so little reserve capital. Contraction, on the other hand, would leave the banks with a large amount of expensive government notes on hand, or the equivalent in bullion or low interest bearing securities, and with little opportunity for temporary investment such as was readily to be had in England. The same conditions would require the government to keep on hand a much larger amount of bullion than Lord Sydenham had estimated, and would materially curtail the advantage to the government from its note issue. In fact, under the conditions of Canadian trade and banking at that time, Lord Sydenham's measure would have meant a very considerable addition to the expense of Canadian domestic exchange, with the inevitable curtailment of legitimate business, and without corresponding gain to the provincial treasury. That the Canadian banking system was not above reproach was evident from the all but universal suspension of specie payment by the Canadian banks during the financial crisis which preceded Lord Sydenham's arrival. And yet the freedom which the banks enjoyed of expanding and contracting their note issue, to suit the demands of trade, was one of the most important economic factors in the Canadian machinery of exchange, and consequently very essential to Canadian prosperity and expansion. Thus, though absolutely sound in theory, Lord Sydenham's scheme was scarcely suited to Canadian conditions in 1841.

The general principles embodied in Lord Sydenham's plan were accepted by Mr. Hincks, Mr. W. H. Merritt, and other Liberals, but failed to command a majority in the House, owing to the conjunction of the usual opposition with a number of representatives connected with the mercantile and banking interests who found their privileges threatened. Some thirty years later, it fell to the lot of Mr. Hincks, then Sir Francis Hincks, to incorporate the central feature of Lord Sydenham's bank of issue into our financial system, in the shape of the government issue of Dominion notes accompanied by a partial restriction of bank note issue.

It is not possible even to enumerate here the unusual number of important measures which were passed during the first session of the legislature, and in so many of which Lord Sydenham took a very special interest.

## CHAPTER XXI

### THE CLOSE OF A SESSION AND A LIFE

ONE of the most important functions which Lord Sydenham had to perform, partly in consequence of the union of the provinces and partly in consequence of the new system of responsible government which was being introduced, was the reorganization of the government departments. On July 18th he reported to Lord John Russell the reorganization which he had effected, making as few changes as possible consistently with the securing of efficient service, and the requirement that the heads of executive departments should have seats in the legislature. Thus, as already stated, he had appointed Messrs. S. B. Harrison and D. Daly as joint secretaries for the province, the former for the west and the latter for the east.

"To these gentlemen will be entrusted the conduct of the whole internal management of the Province, which at one time belonged to the Provincial Secretaries of Upper and Lower Canada respectively, but which for many years past had been absorbed by the personal, or as he was termed the 'Civil' Secretary of the Lieutenant-Governors. It is evident that the officer who is, and always must be, the confidential servant of the Governor, and whose tenure of office should therefore terminate

with the Governor's, can never on his first arrival, and scarcely indeed at any time, possess that intimate local knowledge which is necessary to carry on a correspondence of this nature. This difficulty will be met by appointing two gentlemen, residents in the Province, and the tenures of whose offices will not end with the Governor but be on the same footing as any other officer in the Province.

"To the Personal Secretary of the Governor, whom I should propose to call the Private Secretary, will be entrusted the duty of assisting the Governor in the conduct of the correspondence with the Secretary of State, the Lieutenant-Governors, the British Minister at Washington and all Foreign Authorities or Individuals, as well as such general questions as pertain to both Provinces. This officer, as I have stated, being the confidential Servant of the Governor, must change with him."

Mr. R. G. Tucker was appointed provincial registrar, to attend to "matters of registry, affixing the great seal, and recording instruments." Mr. J. H. Dunn was retained as receiver-general, but his functions and responsibilities were to be curtailed and an improved system of inspection and audit of public moneys introduced.

"I have not yet been able to select a gentleman to fill permanently the important office of Inspector-General of Public Accounts. It will be necessary that that officer should be a member

of the House of Assembly, and that he should be a man not only well acquainted with accounts and competent to superintend the routine business of his office, but also capable of proposing the principal financial arrangements from time to time necessary, and of explaining and vindicating those arrangements in the House of Assembly." To this position, now known as minister of finance, it was generally understood Lord Sydenham had intended to appoint Mr. Hincks, of whose financial ability he had formed a very high opinion, and justly so, as his subsequent career was to demonstrate. Mr. Hincks was already making a well-deserved reputation as chairman of the select committee on currency and banking. Lord Sydenham's reputed intention was carried out shortly afterwards by his successor, Sir Charles Bagot. When this change should be accomplished, Mr. Carey, who was then inspector-general, would become the deputy of the department. The position of commissioner of Crown lands was filled by Mr. Davidson, who had held a similar position in Lower Canada. For the position of surveyor-general, Lord Sydenham had selected Mr. Parke, member of the assembly for the county of Middlesex and a strong Reformer. The Board of Works which had been established in Lower Canada by an ordinance of the Special Council, was extended to the whole province by one of Lord Sydenham's special measures, and Mr. Killaly was continued as president.

"In the Executive Council I have made considerable changes. Your Lordship is aware that a very large portion of the business of that body has consisted in advising the Governor on applications or claims for land and cases of that description, or in reporting on the accounts of several public offices or Departments. I have for these services constituted a committee to be presided over by a President, to whom a salary of £1000 a year should be assigned, and I have conferred that appointment on the Hon. R. B. Sullivan, who was for several years presiding councillor of the Executive Council of Upper Canada. Mr. Sullivan, having also for some time held the office of Commissioner of Crown Lands in that Province, is peculiarly fitted for this situation.

"I have appointed to the Executive Council no one but the principal officers of the Government, who are responsible both to the Governor and the public for their Acts, and to them I continue the small salary of £100 a year which they have received since the first institution of that body in Canada."

Colonel Fitzgibbon was appointed clerk of the legislative council, and Mr. W. B. Lindsay to the same position in the assembly, with Mr. F. S. Jarvis as usher of the black rod, and Mr. G. C. Chisholm as sergeant-at-arms.

"By these arrangements the business of the Province will, I feel satisfied, be efficiently as well

as economically performed, and above all, that responsibility, of the want of which I took occasion early to state the evil consequences, will be established in the different departments.

"For the satisfactory conduct of public affairs, it has appeared to me absolutely necessary, that, on the one hand, the Governor should be able to rely upon the zeal and attention of the Heads of Departments, not merely to act under his immediate directions upon every minute point, but also to feel themselves really responsible for the conduct of their different offices—and on the other, that by their being members of one or other House of Parliament, the public should possess a wholesome control over their acts, and a security should be obtained for the general administration of affairs being in accordance with the wishes of the Legislature.

"At present all the Heads of Departments are members of the Assembly with the exception of the President of the Committee of Council, who is in the Legislative Council.

"The four law-officers, the two Secretaries, the Receiver-General, the President of the Board of Works, and the Inspector-General, whom I propose shortly to appoint, will also be of that body. In future I should not consider it absolutely necessary that all these offices should be thus held, but at the same time it will in my opinion be desirable that a considerable proportion should be thus filled,

and if the gentlemen who may hold them cannot obtain seats there, they must give place to those who can."

Though Lord Sydenham was continually occupied with the internal problems of Canada and the other British North American colonies, yet he had frequently to deal with many scarcely less important matters affecting the relations of Canada with the United States and the mother country. He conducted an extensive correspondence with reference to the disputed territory on the Maine boundary. This problem had reached a very critical stage owing to the extension of settlement into the region in dispute, and Lord Sydenham had occasion for all his decision of character and diplomatic tact in bringing this thorny question to a stage which made possible the settlement arrived at by Lord Ashburton the following year. He had also to take part in the negotiations for an extradition treaty with the United States, the draft of which was prepared while he was in office. This, too, was incorporated in the Ashburton Treaty.

Trade relations between the colonies and the mother country also occupied his attention, and here his experience as president of the Board of Trade was of great value. As might be inferred from his policy in that office, his influence was used in favour of giving to the Canadian parliament a freer hand and more initiative in dealing with Canadian commercial interests, subject only

to the maintenance of a policy in harmony with that of the mother country. This latter was amply provided for, as he maintained, by the imperial right to disallow objectionable colonial measures.

When we remember that Lord Sydenham's constitution was far from robust and that he was subject to periodic attacks of gout, we can understand how severely he had been taxing his strength by his constant application to the exceptionally important duties of his office at this critical stage in Canadian history. The rapidity with which he passed from one great problem to another left him no time in which to recuperate his strength. As a natural consequence, just before the opening of the first session of the united legislature, he was prostrated by an unusually severe attack which for a time threatened his life and compelled him to postpone for a week or two the opening of the session. Writing on May 25th, he says: "At last I can write to you with my own hand. . . . . I was ill in bed, and utterly unable either to write or dictate. Not gout merely, but fever, and horrible prostration both of mind and body. In fact I have been done by the work and the climate united, and God knows whether I shall see the other side of the Atlantic again!" Though he recovered sufficiently to permit him to take up with irrepressible determination and activity the problems in which he was so completely absorbed, yet it was plain that he would not be able to stand the strain much

longer. On learning of his severe illness Lord John Russell, writing on July 6th, expressed great concern and gave him authority to return to Britain, as soon as the exigencies of the public service would permit, on leave of absence for six months. Before this reached him, however, Lord Sydenham found it necessary, on July 21st, to send in his formal resignation, to take effect as soon as the session was over. In a private letter to Lord John Russell he says: "I shall of course stay here till everything to be done this session is well through and I have been enabled after its close to do what is required in setting any new laws or institutions in operation. Nothing, therefore, can now prevent or mar the most complete success, and Canada must henceforward go on well, unless it is most terribly mismanaged."

As the session wore on and he saw his great plans for bringing order out of chaos in Canada coming to a triumphant realization, his spirits rose in spite of his physical ailments. In his private letters to intimate friends he exhibits almost a boyish jubilation of spirit over his great success, where almost everyone familiar with the deep-rooted and far-reaching difficulties which at first confronted him were inclined to despair of a permanent solution. On August 28th, writing to his brother, he says: "My success has been triumphant, more so than I ever expected or had ventured to hope. I shall leave, I trust, a field which my

successor, whoever he be, cannot mismanage. With a most difficult opening, almost a minority, with passions at boiling heat, and prejudices such as I never saw, to contend with, I have brought the Assembly by degrees into perfect order, ready to follow wherever I may lead; have carried all my measures, avoided or beaten off all disputed topics, and have got a ministry with an avowed and recognized majority, capable of doing what they think right, and not to be upset by my successor." Referring to the work of the session he continues: "I have now accomplished all I set much value on; for whether the rest be done now or some sessions hence, matters little. The five great works I aimed at have been got through: the establishment of a board of works with ample powers; the admission of aliens; a new system of county courts; the regulation of the public lands ceded by the Crown under the Union Act; and lastly, this District Council Bill." Then, as he felt the pressure of his strenuous existence for the past two years relaxing, he realized something of the joy of successful struggle. "The worst of it is that I am afraid I shall never be good for quiet purposes hereafter; for I actually breathe, eat, drink, and sleep on nothing but government and politics, and my day is a lost one when I do not find that I have advanced some of these objects materially. That, in fact, is the secret of my success. The people know that I am ready at all hours and times to do busi-

ness, and that what I have once undertaken I will carry through; so they follow my star."

On August 18th Lord John Russell replied to his letter containing his resignation. The letter closes thus: "I avail myself of the opportunity of this day's mail to inform your Lordship that the Queen has been pleased to accept your resignation. Her Majesty has further commanded me to express to your Lordship her intention to confer on you the Order of the Grand Cross of the Bath, as a proof of Her Majesty's gracious appreciation of your services."

By the end of August he felt that his labours were nearly over. In a private letter to Lord John Russell, on the 28th of that month, the day on which Lord John and the Melbourne ministry went out of office, he closes as follows: "The parliament will, I hope, be in a state to prorogue in a fortnight or three weeks at farthest, and then it will take me nearly as much longer to wind up, as I am determined to leave nothing unsettled which I can do. But at the end of that time, the middle of October, I trust that I shall hear the guns pealing from the rock of Quebec; and a most delightful sound it will be to me." But that sound he was destined never to hear and a longer and deeper rest awaited him than that beyond the sea. A few days after writing this letter, on September 4th, he was thrown from his horse, which stumbled while

ascending a slight hill near his residence. His right leg was broken and badly lacerated. For a time it was thought that he might recover, but his constitution was too much impaired to withstand the strain. He still insisted, however, on devoting personal attention to the arrangements for the closing of the session and the subsequent continuation of the executive work of the government.

On September 11th he sent his last official and private letters to Lord John Russell. They were in acknowledgment of the letters accepting his resignation and announcing the additional honour conferred upon him. In the official despatch he says: "I have to request your Lordship to lay at the foot of the throne, the expression of my feelings of deep gratitude to the Queen for the signification of Her Majesty's approval of my humble services, and my thanks for the distinguished mark of favour which it is Her Majesty's intention to confer upon me." In the private letter he writes: "I am much obliged to you for the red riband, and a great deal more for the kind manner in which you recommended it." The official despatch continues: "The business before the parliament is almost entirely completed, and I expect to prorogue both Houses on Wednesday next, the 15th instant, thus bringing to a close a session which, for the importance of the measures adopted as well as its general effect,

affords me matter for the greatest satisfaction." He then refers to his accident, but still with the hope of returning to Britain that autumn. A few days later he developed alarming symptons and it was deemed expedient to arrange for the closing of the session by a deputy. General Clitherow, the senior military officer in Kingston, was chosen to officiate at the closing duties of the session, which took place on the eighteenth.

Inflammation, aggravated by gout and ending ultimately in lockjaw, afflicted the dying governor with increasing spasms of torture. Yet in the intervals of his sufferings he continued, with characteristic fortitude, to devote himself to his duties, public and private. Within forty-eight hours of his death he completed the speech with which he had expected to close the legislature. In this last message to the Canadian people, through their representatives, made public after his death, he expressed the spirit which had animated the whole course of his administration. He closed thus :—

"While I cannot look back on the two last years without feelings of the deepest emotion, my anticipations for the future are full of hope and confidence. In the manner in which the present session has been conducted, and in the results which it has produced, I feel the fullest assurance that the anxiety of the Queen and the Imperial Parliament for the welfare of Canada will not be disappointed,—that the constitution which they

have bestowed upon this country will be productive of peace, of happiness, and prosperity. To me it must ever be a source of the highest gratification that in the accomplishment of these great measures I have been permitted to bear a part. It now remains for you to carry out in your homes the good work you have so well begun; to obliterate past dissensions; to co-operate in giving effect to the new institutions; and to inculcate that spirit of enterprise and contentment which is essential to the well-being of a community.

"May Almighty God prosper your labours, and pour down upon this province all those blessings which in my heart I am desirous that it should enjoy."

Referring in his last moments to his friend and fellow-minister, Lord John Russell, who, as colonial secretary, had given him such whole-hearted encouragement and support, he said, "He was the noblest man it was ever my good fortune to know."

On Saturday evening he enquired if the legislature were prorogued, and on learning that it was, he said, "Then all is right." As the peaceful Sunday morning of September 19th broke into the sufferer's room he was released from his agony. His death sealed the first session of the parliament of United Canada, and occurred exactly one year and eleven months from the day on which at Quebec he first set foot on Canadian soil.

When Lord Sydenham found that his life's work

must close in Canada, he desired that here, too, his body should remain. It was accordingly arranged that he should be buried in a vault beneath the central aisle of St. George's Cathedral, Kingston. There, on September 4th, with the military accompaniments of a garrison city, and all the funeral pomp pertaining to his rank and official position, the body of Lord Sydenham was laid to rest. Among the clergymen who took the chief part in the services were the Venerable Archdeacon Stuart, brother of the chief-justice on whom Lord Sydenham so often relied, and the Rev. Richard Cartwright, then assistant minister of St. George's. Reflecting on the brief but crowded career of the governor and the sad circumstances of his death, many of those who were present on the occasion were deeply affected by the stately yet pathetic ceremony, which, as was said at the time, left "an impression which, even in future years, will never be forgotten." Even nature furnished an appropriate setting; for it was one of those mystically beautiful Canadian autumn days, when the soft haze and subdued sunlight, shorn of its heating rays, infuse receptive minds with a subtle and prophetic melancholy, which is apt to reveal for a moment the present and future in the face of the great historic scroll of time, whereon appear only the things that matter, while the pettiness of life, its personal bitterness and the eager grasp of selfishness, vanish, self-devoured.

## CHAPTER XXII

### SUMMARY AND CONCLUSION

THE close of the first session of the united legislature, which coincided with Lord Sydenham's death, permitted the people of Canada for the first time since his arrival, indeed, for the first time since the political crisis which here and there had flamed into actual rebellion, to take stock of their situation, to realize what they had escaped, and to appreciate in some measure the new future which was opening out before them. In the veritable revolution which had been accomplished, Lord Durham and Lord Sydenham were naturally the chief figures. The Report of Lord Durham had furnished an analysis of the accumulated evils which beset the country. The clear and rapid insight of Lord Sydenham not only realized the truth of the analysis but completed it in many essential details, while his experienced statesmanship grappled with the task of effecting the actual revolution in colonial policy and constitutional practice, which was indispensable to the political and economic salvation of the country.

The result of the reflection which followed Lord Sydenham's death was greatly to enhance his reputation. The great services which he had rendered the country were frankly acknowledged in

many quarters where, during at least the first half of his administration, he had met with bitter opposition or carping criticism. Of the scores of tributes paid to his personal qualities and political achievements, we may make selection from those of two representative Canadians, who, while deeply interested in the welfare of the country and closely in touch with all that transpired, were not personally immersed in the practical politics of the province. The first is taken from a letter of Dr. Egerton Ryerson, printed in the *Christian Guardian*:—

"It is not easy to determine which is the most worthy of admiration, the comprehensiveness and grandeur of Lord Sydenham's plans, the skill with which he overcame the obstacles that opposed their accomplishment, or the quenchless ardour and ceaseless industry with which he pursued them. To lay the foundations of public liberty, and, at the same time, to strengthen the prerogative—to promote vast public improvements, and not increase the public burdens—to provide a comprehensive system of education upon Christian principles, without interference with religious scruples—to promote the influence and security of the government by teaching the people to govern themselves—to destroy party faction by promoting the general good—to invest a bankrupt country with both credit and resources, are conceptions and achievements which render Lord Sydenham the first benefactor of Canada, and place him in the

first rank of statesmen. His Lordship found a country divided, he left it united; he found it prostrate and paralytic, he left it erect and vigorous; he found it mantled with despair, he left it blooming with hope. Lord Sydenham has done more in two years to strengthen and consolidate British power in Canada by his matchless industry and truly liberal conservative policy, than had been done during the ten previous years by the increase of a standing army and the erection of military fortifications. His Lordship has solved the difficult problem, that a people may be colonists and yet be free; and, in the solution of that problem, he has gained a triumph less imposing but not less sublime, and scarcely less important, than the victory of Waterloo; he has saved millions to England, and secured the affections of Canada. . . . . .

"To lay the foundation of a government adapted to the social state and character of a population thus depressed, divided, and subdivided; to provide for it the efficient administration of all its departments; to create mutual confidence, and induce united action among leading men of all parties, without sacrifice of principle on the part of any, was a task difficult and hazardous to the last degree, and for even attempting which Lord Sydenham has been frequently ridiculed by persons of reputed knowledge and experience."

The second extract is from an article by Joseph Howe in his paper the *Nova Scotian*:—

"In order to understand the value of the service which Lord Sydenham has rendered to Her Majesty and to British America, it is necessary to recall for a moment the state of things which his Lordship had to encounter. Did he succeed to political inheritance, so wisely husbanded, and so fairly established, that even bad management could scarcely lessen its value or disturb the security of the possession? Did he take the helm of state when the vessel was tight and sound, with perfect instruments, a fair wind, a clear sky, and a crew well disciplined and well disposed? Was not the estate wasted by years of bad management, until the tenants were at war with the landlord or with each other, and even the title of the property was dragged into angry controversy? Was not the ship tempest tossed, shattered, and almost unseaworthy with ignorant vacillation or eccentric severity on deck and mutiny below, without an instrument that could be relied upon, or a blue spot in the heavens to admit of an observation? The state of Canada when Lord Sydenham assumed the government might well have appalled any man not desirous to wreck his reputation. A long course of maladministration, or, rather, of administration often well meant but based upon no principle which the people could understand or respect, had prepared the way for open insurrection, and aroused foreign interference in both provinces, to be followed by the suspension of the constitution and the establish-

ment of despotism in one, and in the other by a state of things which, perhaps, was a great deal worse; the forms of civil government being retained, but affording rather shelter from which a fragment of the population might insult and annoy the remainder than any real protection to the people. Lord Durham's mission, although of immense value, because it laid bare the real causes which convulsed Canada and shadowed forth the remedies, had been so brief, so disastrous, so unproductive of practical results within the country itself, that, however invaluable that volume in which the experience and principle of his Lordship and his able coadjutors was embodied might have been—and no man estimates the Report more highly than we do—still, until reduced to practice, it was but a book, a theory, the value of which the enemies of colonial freedom might altogether deny, and which its fondest admirers might well be excused for doubting until experience had demonstrated the applicability of the new principles to the exigencies of colonial society. The task of consummating the union which Lord Durham had pronounced to be indispensable, of grappling with those evils which he had fully exposed, and of applying the principles of representative government indicated in his Report, devolved upon Lord Sydenham; and it is rare that a statesman so firm, so sagacious and indefatigable follows in the wake of a projector so bold."

Some of the most important of Lord Sydenham's despatches, so far as published by the British government, did not appear in Canada until after his death. From these it was frequently learned for the first time what a broad and statesmanlike view he constantly took of Canadian affairs, and how on several occasions he remonstrated against amendments and interferences on the part of the British parliament, especially in matters which affected the French-Canadians, but for the practical consequences of which their leaders constantly held him responsible. It is true that in practically all matters of an administrative character, where the decision lay with the colonial office, Lord John Russell manifested the most complete confidence in Lord Sydenham's judgment, gave him a singularly free hand, and uncompromisingly defended his policy in parliament. Yet there were measures such as the Clergy Reserves Act and the Union Act itself, which were required to run the whole gauntlet of parliament, including the House of Lords. With the narrow and precarious majority which the government commanded, it was sometimes impossible to prevent the introduction of certain features and the omission of others which were contrary to the recommendations of Lord Sydenham, and which aggravated the difficulties of his administration in Canada. That these variations were not more numerous or more troublesome, was undoubtedly due to the wisdom and moderation of Sir Robert Peel, leader

of the Opposition in the Commons. Within a couple of years the compliment was returned by Lord John Russell when, as leader of the Opposition, he sheltered from criticism Sydenham's successor, Sir Charles Bagot, in continuing to follow out a Canadian line of policy.

The impression produced by some of Lord Sydenham's despatches which were made public after his death, may be gathered from the following extracts from an editorial in the Kingston *Chronicle and Gazette*, a paper representative of the old Tory ideals and opposed at the outset to the governor's programme of reform:—

"If any testimony were wanting to prove Lord Sydenham's great talents for governing, or to stamp the seal of certainty upon the consummate ability which he exhibited in declaring and defending his policy, it is amply afforded by the despatch to Lord John Russell which we publish in this day's *Chronicle*. It is, beyond comparison, the most able despatch which has ever yet emanated from a Canadian governor. Those even who do not approve of the new system of municipal government, or others who approve with timid fears and uncertain faith, cannot fail to be strongly impressed with the fearless sincerity with which Lord Sydenham presses forward in his great work, turning neither to the right hand nor to the left; and no one can read the paragraph beginning with—'Owing to this, duties the most unfit' etc.—without admitting the comprehensive

grasp of observation which, like the glance of the eagle, surveys the whole field, yet detects the minutest object of interest." The despatch here referred to was that in which Lord Sydenham remonstrated at the changes which had been made in the Union Act during its passage through the British parliament, and which Lord John Russell in reply declared his inability to prevent.

Lord Sydenham's remarkable success in Canada was undoubtedly due to the singular fitness of his personal qualities, training and experience for the exceptional task which was required of him at so critical a stage in Canadian history. He came to Canada with a wide knowledge of men and affairs. While no visionary, he was a courageous reformer, a sane and practical radical. His courage, his sanity, and his progressiveness are abundantly evidenced by the fact that, while many of the reforms which he advocated in Britain were regarded as ruinous or absurd, all were accomplished within the next thirty years. So also the radical changes which he introduced into Canadian constitutional practice and administrative government, and for which he was so bitterly denounced by his ablest Canadian critics, are now regarded as the very palladium of our liberties and the inspiration of our national life.

He was well aware, on his departure from Britain, that he had no light task before him in Canada; yet it was only in the course of his first successful efforts to grapple with the Canadian problems that

he realized how much greater the difficulties were than he had imagined. However, he had come to Canada expecting to find here or nowhere an adequate field for the realization of his ambitions for further success in the public service. Moreover, his ties with Britain were, for the time, completely broken. His political enemies had taken much pleasure in burning his bridges behind him, and only in Canada could they be rebuilt. A man of less varied resources and self-reliance might have succumbed to the infection of despair which saturated the country. So completely, however, did Lord Sydenham throw himself into the task before him, so sure was he of the potential greatness of the country's future, that no diagnosis of the past or present could damp his ardour or shake his faith in the successful outcome of his efforts. Indeed, the very thoroughness and accuracy of his analysis of the existing condition of the country enabled him to determine with confidence what must be the remedy and how it must be applied. The very difficulties which the Canadian problems presented and his successes in meeting them, account for the fascination which Canada had for him and the enthusiasm with which he devoted his every faculty to her service.

Lord Sydenham saw the necessity for inducing the people to forego the bitter antagonisms of the past, for rousing them from the sullen deadlock in which they held each other paralyzed, and in which,

not the spirit of political partyism, but of deadly feud had engendered a malevolent contest on the part of the opposing factions to forego the realization of their own ideals if only they could prevent their opponents from making progress in theirs. But, to draw the people of Canada out of their narrow antagonisms, they must be made to feel direct responsibility for their own destiny. They must no longer be merely fault-finding spectators of attempts to govern their provinces by a power from without, or an oligarchy from within. They must be invited to attack their own problems, taking only counsel, not commands, from without, thereby learning wisdom and caution from their failures, and acquiring hope and inspiration from their successes. In a word, they must have responsible government, but they must realize that it can alone be maintained by a responsible people.

To lead the people of Canada out of the wilderness, it was essential that Lord Sydenham should gain their confidence. This his experience and combination of personal qualities enabled him to secure in a remarkable degree. His assurance and self-confidence awakened interest and inspired hope, while his sound judgment and the fortunate results which followed the adoption of his counsels, rapidly extended his influence and insured successful leadership. It requires only a glance at the men who rallied to his support, as his administration advanced, to realize that his leadership attracted

the strongest men of sound judgment and moderate views.

While Lord Sydenham had unlimited self-confidence, he was the very reverse of arrogant or dictatorial. The inevitable attractiveness of personal intercourse with him, so frequently commented upon by both friends and opponents, was due to his tactful and sympathetic treatment of men, and his capacity to appreciate their qualities and enlist their interest. Once he had assured himself of the presence of exceptional natural gifts and their capacity for effective public service, he endeavoured, usually with success, to enlist them in the service of the State, allowing them the freest possible scope, thus insuring at once efficiency and enthusiasm in the public service.

Notwithstanding the intense prejudices of the leaders of the French-Canadians against the policy of the union, with which Lord Sydenham was so completely identified from the opening of the first session when he first came into contact with the majority of the French members, he steadily grew in favour with them. His complete command of the French language, his personal charm of manner, his knowledge of French characteristics and his sympathy with them, made rapid inroads upon their initial prejudices. Thus, when his successor, Sir Charles Bagot, arrived in Canada, he was able to report that not only was the whole country in a condition of unparalleled tranquillity, but that

the opposition of the French-Canadians to the union was melting away, as also their devotion to the anti-union leaders who, in their anxiety to demonstrate their zeal, were "more loyal than the King and more catholic than the Pope." Shortly afterwards, to the alarm of Lord Stanley the colonial secretary, Governor Bagot reported the advisability of admitting several of the French members to the cabinet, and that without any new appeal to the country.

It fell to Lord Sydenham's lot to bring to a close the old régime with its absolute racial antagonism and its party division of loyalists and rebels, and to open a new era of responsible government in which it was possible for both races to take their share in the government, and in which both government and opposition were brought within the pale of loyal Canadian citizenship. In accomplishing this he was required to be at once the last and most powerful of the autocratic governors, and the first and most influential of the diplomatic representatives under responsible government.

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